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ABSTRACT

This special hearing, held in Portland, Oregon, addressed the concept of allowing states and local governments more flexibility in their use of federal funds designated for educational programs in exchange for increased state and local accountability. It focused on programs and policies in place or under consideration in the states of Oregon and Washington. Testimony was presented by: (1) U.S. Representative Jolene Unsoeld of Washington; (2) Oregon State Senator Shirley Gold; (3) U.S. Representative Peter DeFazio of Oregon; (4) school superintendents from Salem, Oregon, and Olympia, Washington; (5) Oregon State Representative Carolyn Oakley; (6) the heads of boards of education in Salem and Trigard, Oregon; (7) teachers, principals, and a professor from Oregon public schools and universities; and (8) David Geiger, president of the Oregon School Boards Association. (MDM)

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EDUCATION REFORM

ED 371 862

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HEARING

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

UNITED STATES SENATE

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

SPECIAL HEARING

Printed for the use of the Committee on Appropriations

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EDUCATION REFORM

SATURDAY, APRIL 17, 1993

U.S. SENATE,
SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES,
COMMITTEE ON APPROPRIATIONS,
Portland, OR.

The subcommittee met at 9 a.m., at the Portland City Chambers, 1220 SW Fifth Avenue, Portland, OR, Hon. Mark O. Hatfield presiding.

Present: Senator Hatfield.

NONDEPARTMENTAL WITNESSES

OPENING STATEMENT OF SENATOR HATFIELD

Senator HATFIELD. Thank you. James Monroe once said the question to be asked at the end of an educational step or sequence is not what has the student learned but what has the student become. As we consider education reform at the local, State, and Federal level, this is the question, I think, we must keep in mind. What has the student become?

Last year an idea emerged in Washington which holds great promise for improving the quality of education and the process of learning which takes place in our schools. The concept of education flexibility [edflex] or freedom from Federal regulation in exchange for accountability is revolutionary in my mind, as it will empower and encourage educators across this country to look at innovative methods of teaching.

We all know that Federal regulations can be both overwhelming and intimidating and can have a chilling effect on innovation in the schools across the country. In addition, many of the regulations that we impose upon our educators fly in the face of just plain common sense, basic economy, and the real-life ways that people have devised to meet the pressing educational needs of different kinds of students.

The goal of my legislation, S. 525, is to give States and local districts the freedom to use Federal funds in the most effective ways that they can. It will encourage local communities to experiment and to implement serious reforms using existing resources and equipment.

While a great deal of education regulation is in place at the State level, the Federal Government sponsors over 70 educational programs, each of which has its own set of regulations. Many of these are in place to ensure specific goals, and they were established for

good reasons and need to remain in place for the same reasons. Others can and should be reexamined.

By opening the door to States, I suspect they will show us where we need to focus our attention. Scarce Federal and State dollars must be spent in the most efficient manner possible, and thus flexibility has become a necessity in States like Oregon who are battling with property tax limitations and other fiscal constraints.

In fact, many States are way ahead of the Federal Government on this issue, including Oregon. At least 18 States have passed legislation allowing for waivers in education programs. Here in Oregon, through the Twenty-first Century Schools Program, schools may now apply for specific regulatory waivers. Other progressive States are also joining in, with Washington State, Kansas, Florida, California, and others introducing waiver procedures to the benefit of their students.

Thus far, the issue of education flexibility has been discussed during floor debates in both the Senate and the House of Representatives. When these bodies considered the Neighborhood Schools Improvement Act last year, because edflex was raised on the floor in both the House and the Senate, no hearings were held on this issue. I have called this hearing this morning so that the experiences of the States can be a part of the record this year.

Support for educational flexibility has grown dramatically since I offered my initial amendment last year. After receiving a 95-to-0 approval by the Senate, my edflex amendment to the Neighborhood Schools Improvement Act met with opposition in the House. Although my proposal was a demonstration project limited to 50 local education agencies in six States, there was deep concern that services to the targeted student populations would be diluted. The product of these concerns was a bill so weakened that I could no longer support it, and a final agreement was never reached on the bill.

There is a growing recognition that regulatory flexibility is not only compatible with the rights of students to receive services, but is essential if those services are to be fully effective. As a result of this interest in regulatory waivers, four edflex bills have been introduced in the House this year to accompany the Senate version that we have introduced.

My own bill, the Educational Flexibility Act, is no longer a demonstration as it was last year, but would require States to have experience with educational flexibility at the State level before applying for a Federal complement. I believe this criterion will ensure a local and State commitment and encourage the use of full creative freedom to allow teachers to focus on the quality of instruction they provide.

As ex-Governors with histories of commitment to quality education, President Clinton and Secretary of Education Richard Riley have been close to regulatory problems that schools encounter. Secretary Riley was unable to participate in today's hearing, but he has told me of his personal support for the concept of increasing flexibility at the Federal level.

LETTER FROM SECRETARY OF EDUCATION RICHARD RILEY

While Governor of South Carolina, he learned that granting waivers from certain onerous regulations can be a motivating force behind local reform efforts. I will insert his recent letter to me on this issue in the record.

[The letter follows:]

LETTER FROM THE SECRETARY OF EDUCATION, RICHARD W. RILEY

APRIL 2, 1993.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: Thank you for your invitation to participate in the special hearing of the U.S. Senate Appropriations Committee, to be held in Portland, Oregon on April 17.

I regret that I will not be able to attend this hearing. I do, however, commend your effort to consider the utility of providing regulatory flexibility to improve the performance of schools. I support the concept of increasing flexibility at the federal level for schools that put together innovative and comprehensive plans to better educate our nation's youth. While Governor of South Carolina, I learned that granting waivers from certain onerous regulations can be a motivating force behind local reform efforts.

President Clinton will be introducing his educational reform bill, GOALS 2000: Educate America Act, in the coming weeks. At the state and local levels, GOALS 2000 will inject a new infusion of flexibility from federal rules. GOALS 2000 will initiate a grants program to help states and local communities develop systemic, comprehensive "action plans" to provide educational opportunities that help all students to perform at challenging academic levels.

If the "action plans" are sufficiently ambitious, states and school districts will be given flexibility to use federal education money in the most effective and coordinated manner that is possible. These systemic action plans will very likely differ from school district to school district and that's just fine. However, the major focus would be on improving teaching and learning so that all students can reach challenging academic standards.

We believe very deeply in the efficacy of this initiative. As you can see, we have been giving the issue of flexibility a great deal of thought and look forward to learning more from the upcoming hearing. Again, thank you for your invitation.

Yours sincerely,

RICHARD W. RILEY,
Secretary.

Senator HATFIELD. President Clinton also strongly supports legislation in this area and plans to send to Congress as part of the GOALS 2000: Educate America Act, a proposal which would address educational flexibility. Specifically, the President's legislation will initiate a grants program to help State and local communities develop systemic comprehensive action plans to provide educational opportunities that help all students to perform at challenging academic levels. Waivers from regulations which are necessary to implement the reform plans will be granted.

At this point I want to recognize members of the audience who have come to listen to our discussion today. And as always, I wish we could spend an entire day on this subject in order to hear from each one of you. Many of you know that as a former educator, there is no subject I would rather discuss than improving the playing field for our children. I do look forward to reading your written comments.

PREPARED STATEMENT OF HON. JOLENE UNSOELD, U.S. REPRESENTATIVE FROM WASHINGTON STATE AND LETTER FROM OREGON STATE SENATOR SHIRLEY GOLD

Congresswoman Jolene Unsoeld of Washington State and Oregon State Senator Shirley Gold have submitted written comments, and their statements will be included in the hearing record.

[The statements follow:]

STATEMENT OF JOLENE UNSOELD

I am pleased to offer my support for the Education Flexibility Act. From my work on the House Education and Labor Committee, it is clear to me that educational flexibility is an idea whose time has come. This is particularly important in the current session of Congress when the committee is reauthorizing the Elementary and Secondary Education Act. The Educational Flexibility Act would allow states to combine federal dollars in innovative ways through the use of waivers.

In my home state of Washington, we already have a state waiver program in place. Any school district can, at any time, apply for waivers of state regulations under the Basic Education Act if that school district has developed a school restructuring plan.

Similarly, in Washington's 21st Century Schools demonstration grants program, waivers are granted to schools requesting them as part of their application. It is interesting to note that evaluations of this program completed by school personnel indicate, however, that these waivers are less important than other aspects of this program. When asked to rank the importance of the different aspects of the program, waivers ranked third behind additional teacher training and planning time and the availability of other additional resources.

All available data indicate that our nation's schools would benefit from increased flexibility in their handling of federal education funds at the local level. However, while we are seeking additional flexibility, it is important to remind ourselves of the original purpose of these Department of Education programs. These program were designed to serve our country's most at-risk children—for example, those who live in poverty, on Indian reservations, or who do not speak English as their primary language. While I endorse the concept of increased educational flexibility, we must be certain that those children who need to be served by education programs such as Chapter 1 are still being served.

It is my hope that increased educational flexibility will be part of a wide range of program options designed to improve the educational opportunities of our students that will be considered by both the House of Representatives and the U.S. Senate.

LETTER FROM OREGON STATE SENATOR SHIRLEY GOLD

MAY 21, 1993.

Hon. MARK O. HATFIELD,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HATFIELD: I regret that I was unable to attend the U.S. Appropriations Committee hearing on education flexibility held April 17 in Portland. I am committed to this issue and I want to expand on the letter I wrote to you previously in support of the Education Flexibility Act.

I am proud to say that I was one of the prime sponsors of HB 3565, The Oregon Educational Act for the 21st Century, and I was strongly behind the efforts to make early childhood education—my number one priority in education—become the cornerstone of the Act.

As you know, the school reform act was the culmination of a series of steps by the Legislature, beginning in 1987 with the 2020 grants, to restructure education and in doing so, to give more local control to school districts and their schools. School site committees will now have more freedom to reach the goals that the state has set. We will hold districts accountable, but they will have real flexibility in choosing how to reach the goals.

But while we are in the process of removing state and local hurdles, we still have federal barriers to surmount. That is why Ed-Flex is so critical to Oregon.

Let me add a cautionary note. The Legislature gave the State Board of Education the authority to grant waivers to local schools when those schools could demonstrate

that state and local regulations were blocking the implementation of reform. We hope that Ed-Flex will support the statewide reforms that Oregon and other states are implementing. We believe, therefore, that the federal waiver process should be complementary to the state effort and not in itself prove burdensome.

Thank you again for your hard work at the federal level to help us. Our students will be the ultimate beneficiaries.

Sincerely,

SHIRLEY GOLD.

Senator HATFIELD. We will also keep the hearing record open until the end of the month, to make sure that anyone and everyone has an opportunity to submit statements. I look forward to hearing from all of our witnesses this morning, and I would like to commend all of you for dedicating part of your Saturday morning for this discussion.

This morning's hearings will be divided into—I started to say three panels, but because one panel constitutes five persons and we have only three chairs, I think we will divide that panel. And, therefore, instead of having three panels, we will have four panels.

STATEMENT OF HON. PETER DeFAZIO, U.S. REPRESENTATIVE FROM OREGON

Senator HATFIELD. We will begin this morning with my colleague and friend, Congressman DeFazio of the Fourth Congressional District of Oregon. Please come forward, Congressman, and take a seat, and let me make a few remarks, if I could, concerning your outstanding record.

Since 1986, Mr. DeFazio has represented Oregon's Fourth Congressional District in Congress, where he serves on the Committees on Public Works and Transportation and Natural Resources. Congressman DeFazio is a graduate of Tufts University with a masters degree from the University of Oregon.

Congressman DeFazio brings to the Oregon delegation a strong commitment to education. Congressman DeFazio is leading the fight in the House to provide educational flexibility and education reform. He is the author of two bills which would provide regulatory waivers. We will be pleased to hear your testimony at this time, Congressman. And I look forward to having you join us at the dais, if you will, afterward, if your time permits, to ask questions and to participate in this hearing.

Ladies and gentlemen, with the exception of the Congressman with whom we have comity in interchange, I would like to ask that all witnesses restrict their verbal comments or presentation to about 5 minutes. Because I would like to have the time devoted more to the dialog that we can perhaps engage in, and not use the time for the pro forma hearing statements that we often get locked into.

But Congressman, I welcome you here. And I have many times said that I think Oregon is most fortunate to have the quality and the dedication of leadership that Congressman DeFazio brings to the House.

Mr. DEFAZIO. Thank you, Senator. I want to particularly thank you and your staff for your tireless efforts both on this issue and in organizing this hearing today. Because it is extraordinarily important, I believe not only to the State of Oregon to fulfill our goals for educational reform, but for the Nation as a whole, that the Fed-

eral Government begin to loosen some of the ties that follow the Federal funds.

I think I can meet the 5 minute deadline. I recall once I was at a candidate's forum with the League of Women Voters in Douglas County and I was given 1 minute to discuss the Federal debt, current deficit, and my solutions. [Laughter.]

So I think I can do education justice in 5 minutes in terms of educational flexibility. As we know, the Federal Government plays an important supporting role in elementary and secondary education. Of course, I would, for my preference, wish it was even more important in terms of funding. But in any case, there is an important Federal role and that is—with that money follows some constraints and charge to the local governments. The primary charge, of course, falls to our States and to, in Oregon, our local elected school boards.

We see essentially two manifestations of Federal support. The Federal Government provides grants for services to meet the needs of educationally disadvantaged students, and the Federal Government also could or can foster systemwide educational reform through research, information dissemination, teacher training, curriculum development, and I hope with educational flexibility.

Legislative support for systemic educational reform should focus on minimum Federal regulation and maximum school-level flexibility. Federal components of education reform should be so well integrated into the State or local school program that they are virtually invisible. Federal and State oversight should shift from accounting for dollars to accounting for overall student success.

I believe that with the limits we are all observing in Washington and in the State, that we need to spend our education dollars smarter. And as the Senator kindly noted, I have introduced two bills into the Congress that would allow State and local education agencies to obtain waivers of Federal regulations if those regulations impede local educational reform efforts.

Both my bills would give teachers, parents, principals, and local school boards the freedom and the power to make our schools the best that they can be. One is the Educational Reform and Flexibility Act, H.R. 453, which specifically authorizes waivers for funds granted under chapter 1, 2, Eisenhower Math-Science, Follow-Through Act, youth programs under the McKinney Act, and the Carl Perkins Vocational Education Act. In this bill I was looking at a very modest program and we would have had a demonstration program in six States with 50 education agencies electing to obtain waivers.

However, given the signals that you have seen from Secretary Riley and the administration, I have worked on an expanded version of the bill with Congressman Bill Goodling, the ranking minority member of the House Education and Labor Committee—on a more broadly based waiver bill, the Freedom to Improve Educational Achievement Act, H.R. 1452. This bill does not limit the number of educational entities that can participate in the program. Individual schools, school districts, and States could obtain waivers of most education programs, as well as a number of noneducation youth programs such as Head Start, Runaway and Homeless Youth Act, and the Juvenile Justice and Delinquency Prevention Act.

Under both bills, the Secretary of Education is charged with reviewing applications from State or local education agencies and awarding Federal education waivers. If the Secretary determines regulatory waivers are not improving educational reform efforts, those waivers could be immediately terminated.

The bills would require annual reporting on the progress of the flexibility programs, their effectiveness in aiding school reform and raising school achievement. The school would also be required to show that the students who were the original beneficiaries of the programs for which the waivers are obtained are still being served. Waivers of Federal education programs authorized under these bills are restricted from weakening protections of civil rights or the rights of the disabled.

Most importantly, both of these bills, which would open innumerable doors to students nationwide, are absolutely budget neutral. They require no need Federal spending. And while I strongly feel the Federal Government should be making a significantly larger investment in elementary and secondary education, as I noted earlier, educational flexibility will allow our State and local governments to make the most of scant Federal education dollars.

PREPARED STATEMENT

Educational flexibility shows incredible promise. We will hear from people today about the success of regulatory reform in Oregon's 2020 schools. We can foster in our schools an environment where teachers, principals, and parents are afforded substantial ownership and participation in the education project. I think we have seen that micromanagement from Washington, DC, is not the best answer. Committed education professionals, working with parents in their local communities, can create schools in which everyone has a stake and toward which everyone has a responsibility, and which fosters greater educational opportunity for all the children of America.

I thank the Senator for his generous grant of time.

[The statement follows:]

STATEMENT OF U.S. REPRESENTATIVE PETER A. DEFAZIO

Mr. Chairman, I first would like to express my gratitude to you and your staff for arranging this important hearing. I'm honored to join you in sponsoring legislation in Congress allowing regulatory flexibility for federal education programs. I appreciate your tireless efforts, throughout a distinguished career, to better our system of education.

The federal government plays an important supporting role in elementary and secondary education in the United States. But it's our state and local governments that have the primary responsibility for this level of learning.

As you know, federal support for elementary and secondary education manifests itself in two basic ways. The federal government provides grants to state and local education agencies for services to meet the needs of educationally disadvantaged students. The federal government can also foster systemwide educational reform through research, information dissemination, teacher training or curriculum development.

Legislative support for systematic educational reform should focus on minimum federal regulation and maximum school-level flexibility. Federal components of education reform should be so well integrated into the state or local school program that they are virtually invisible. Federal and state oversight should shift from accounting for dollars to accounting for overall student success.

We've been warned repeatedly—most graphically in the 1983 "Nation at Risk" report—that our schools are not up to international standards, or even our own past

standards. The average SAT score of entering freshmen at America's best colleges is 50 to 60 points below what it was in 1970. Students are less prepared than they were 20 years ago, and this trend is devastating our competitive position and our chances to maintain our prosperity.

On math and science tests given in five countries in 1989, American students finished next to last. According to the National Assessment of Educational Progress, only 5 percent of our 17-year-olds could read well enough to understand a technical manual or college-level text, only 6 percent could figure simple interest on a bank account, and 75 percent could not say when Lincoln was President.

We need to spend our education dollars smarter. I've introduced two bills this Congress that would allow state and local education agencies to obtain waivers of federal regulations, if those regulations impede local educational reform efforts. Both of my bills would give teachers, parents, principals and local school boards the freedom and the power to make our schools the best they can be.

One bill is called the Educational Reform and Flexibility Act (H.R. 453) and it specifically authorizes waivers for funds granted under Chapter 1, Chapter 2, the Eisenhower Math-Science Program, the Follow-Through Act, the youth programs under the McKinney Act, and the Carl Perkins Vocational Education Act. This bill authorizes a demonstration program so that six states, and 50 education agencies within those states, would be able to obtain waivers.

I also worked with Congressman Bill Goodling, the ranking minority member of the House Education and Labor Committee, on a broad-based waiver bill, the Freedom to Improve Educational Achievement Act (H.R. 1452). This bill does not limit the number of educational entities that can participate in the program. Individual schools, school districts and states could obtain waivers of most education programs, as well as a number of non-education youth programs, such as Head Start, the Runaway and Homeless Youth Act and the Juvenile Justice and Delinquency Prevention Act.

Under both bills, the Secretary of Education is charged with reviewing applications from state or local education agencies and awarding federal education waivers. If the Secretary determines that regulatory waivers are not improving educational reform efforts, those waivers could be immediately terminated.

These bills require schools to report each year on the progress of the flexibility programs and their effectiveness in aiding school reform and raising school achievement. Schools would also be required to show that the students who were the original beneficiaries of the programs for which the waivers are obtained are still being served.

Waivers of federal education programs authorized under these bills are restricted from weakening protections of civil rights or the rights of the disabled.

Most importantly, both of these bills, which would open innumerable doors to students nationwide, are absolutely budget neutral. They require no new spending. And while I strongly feel that the federal government should be making a significantly larger investment in elementary and secondary education, educational flexibility will allow our state and local governments to make the most of scant federal education dollars.

Educational flexibility shows incredible promise. We will hear from people today about the success of regulatory reform in Oregon's "2020" schools. We can foster in our schools an environment where teachers, principals and parents are afforded substantial ownership and participation in the education process. We've seen that micro-management from Washington, DC is not the best answer. Committed education professionals, working with parents in their communities, can create schools in which everyone has a stake—and toward which everyone has a responsibility.

Senator HATFIELD. Thank you, Congressman DeFazio, for your excellent statement.

While there are fundamental similarities between your version and the one we have in the Senate, there are, as I see it, two rather significant differences. The first, my bill requires prior State experience with regulatory reform while I believe your bill requires waivers to be a part of the overall reform plan. The second relates to the inclusion in your bill of programs for the disabled.

Going to the first point of difference, as I see it, your bill specifies waivers must be a part of a general State and local reform plan. Could you comment on this, and do you find this compatible with S. 525 that requires 2 years of experience with flexibility?

Mr. DEFAZIO. I think they are entirely complementary provisions. And, in fact, if one were to meld the two, I think we would have the highest level of assurance that we had a well thought out plan in place and a substantial indication of an ongoing and enduring commitment toward that program of reform. So I would look perhaps toward a position where the requirement that a comprehensive plan be in place and the 2 years of experience have elapsed as being complementary provisions, and would work toward incorporating both in a final version of the bill, Senator. I think that that would be the highest level of protection we could provide.

Senator HATFIELD. I agree. I do not find them mutually antagonistic. I think they can be resolved. I think we are headed for the same goal on that.

Taking the second point of difference, the bill which you introduced gives the Secretary of Education, I believe, very broad waiver authority, and particularly as it relates to programs to aid the disabled, students with disabilities are subject to the waiver. Now, what safeguards do you see as necessary to ensure that those students with disabilities receive the intended services, and do you think those provisions are sufficient in 1452?

Mr. DEFAZIO. Well, Senator, this has been a subject of some concern in the past. A number of advocacy groups are concerned that we would dilute the charge of the Government, or the mandates to serve this population. I come with a background in rehabilitation counseling to the Congress, and feel that the way that Mr. Goodling and I have structured the bill, that we have built in extraordinary precautions to be certain that disabled and disadvantaged students still receive the services they need.

We restricted from waivers the heart of the Individuals with Disabilities Education Act: that is parts A, B, and H. And we also require waiver applicants to detail how programs will continue to focus on students for which the programs were originally intended, and further require applicants to describe how students not now eligible for programs for which waivers are granted can be served without weakening the program benefits from eligible students. And then finally, we have adopted provisions similar to those that you have in S. 525 and have given the Secretary of Education the authority to immediately terminate waivers of programs that are not improving educational reform efforts in any and all areas.

So we think that we have structured in a number of safeguards, and I only included these provisions after substantial discussion both with Mr. Goodling and with a number of the advocacy grounds who had in the past expressed concern about these sorts of provisions.

Senator HATFIELD. As you recall, last year there was considerable concern expressed in the House on the issue of accountability. Do you think this climate has changed as far as this year is concerned, and in what ways?

Mr. DEFAZIO. Well again, as I said, we worked very closely with a number of the most outspoken national and State advocacy groups in this area. And, you know, I think we have addressed a number of the concerns about accountability. You would have annual reports on the effectiveness of the program in meeting its stat-

ed goals. In 3 years after the waiver is granted, the Secretary would evaluate the program focusing on both the reforms adopted and the achievement.

The Federal Government is not going to lose control over the basic programs. We are just going to shift some of the basic decisionmaking to teachers, parents, principals, local elected school boards: others who can better identify the needs in local communities.

Certainly, I cannot speak for the entire House. I have discussed with Chairman Ford this issue and some of the ranking majority members of the committee, and they seem to express to me a new willingness to consider educational flexibility, particularly now that we have satisfied some of the concerns of the advocacy groups that this is not some sort of attempt on the part of the Federal Government to delete or dilute programs for certain categories of students who have been underserved.

And certainly with the letter you have from Secretary Riley which, in my reading, expresses strong support for our efforts, and the predilection that the President brings forward with his proposals, I think we are on the cusp of a major national reform and I think this would be a real good adjunct to that. Especially since we know we are not going to be able to put up a lot more money, let us let them spend the money more effectively.

Senator HATFIELD. Fine. I think we will end the questioning there. And again, if your schedule is such——

Mr. DEFAZIO. Yes; I could stay for a couple of hours.

Senator HATFIELD. Please come and participate in the panel if you would.

Mr. DEFAZIO. Thank you, Senator. I appreciate that.

STATEMENTS OF:

NORMA PAULUS, SUPERINTENDENT OF PUBLIC INSTRUCTION, SALEM, OR

JUDITH BILLINGS, SUPERINTENDENT OF PUBLIC INSTRUCTION, OLYMPIA, WA

Senator HATFIELD. We are honored this morning to have with us the Honorable Norma Paulus, superintendent of public instruction of Oregon, and the Honorable Judith Billings, superintendent of public instruction from our sister State across the river, Washington. As you all know, Ms. Paulus has a very distinguished career here in Oregon. In 1976 she was elected as secretary of state and served for two terms in that capacity. In addition to her duties as superintendent, she also currently serves on the Willamette University Board of Trustees, overseer at Whitman College, and Oregon Graduate Institute of Science and Technology Board of Trustees. We welcome you, Ms. Paulus.

Ms. Judith Billings has been State superintendent of public instruction for Washington State since 1989. Her educational experience has been at all levels of government. She has served as State director of chapter 1 programs; a policy adviser to the U.S. House of Representatives Subcommittee on Elementary, Secondary, and Vocational Education; a teacher at the junior and senior high school and college levels. She currently serves as a member of the board of directors of the Northwest Regional Educational Laboratory and the Washington Council for Economic Education.

We welcome you, Ms. Billings. If you would come and join us at the table, we would be very happy to hear from both of you. Ms. Paulus, you want to lead off?

STATEMENT OF NORMA PAULUS

Ms. PAULUS. Thank you, Senator, Representative DeFazio. We very much appreciate the opportunity to come before you today on this issue. We feel it is very very important and we thank you for your leadership and sponsorship of this effort.

Since I became State superintendent in 1990, I have worked very hard to remove the many needless regulations that strangle our schools in the State; rules that block creativity, build bureaucracy, siphon money and time, and stand in the way of good practices.

I believe that I have successfully changed the focus of the Oregon Department of Education from a regulatory agency to one of service, research, and innovation. School improvement visits have replaced standardization inspections. The State Textbook Commission was eliminated to give teachers direct contact with the State board of education. We have simplified and combined reporting requirements, many tied to Federal rules. These are just a few of the changes that have given schools and teachers some much-needed breathing room.

Meanwhile, my staff has played a very lead role with Mayor Vera Katz in designing Oregon's landmark school reform act which was passed by the last session of the legislature with our vigorous support. That act sets into motion the most extensive restructuring of a public school system to occur in this country.

The act gives more power to local schools by making site committees of teachers, administrators, classified employees, and parents. It gives them the opportunity, for the first time in the history of the State, to steer the course of school improvement. We plan to hold them accountable, requiring that their students reach specific State goals, but we will not tell them what methods they must use, but try to set examples.

The legislature has also passed a law that gives the State authority to grant local school districts waivers from specific State and local rules which stand in the way of school improvement. More schools are requesting this opportunity and we are seeing good results from it.

Early in this effort, we realized that there was a missing partner in our rule removal project, and that was the Federal Government.

Let me share with you just two of our success stories in Oregon schools. What is happening in these schools testifies most eloquently to the need for more flexibility in education rules. These elementary schools are similar in two ways; each has a high poverty rate and each has high test score results.

High poverty: Eugene's Whiteaker Elementary School and Salem's Richmond Elementary School are located in two of the poorest neighborhoods in the State, demographics that often spell doom for student success. On the State's socioeconomic scale, Whiteaker is the last among 559 elementary schools, Richmond is eighth from the bottom.

High test scores: On the State's 1991 assessment, Richmond third graders outscored the State average on reading, literature,

and math tests. Whiteaker third graders scored only one point under the average reading and math scores and only two points under the literature score; this from a school which has enrolled 97 homeless children this school year.

Flexibility is the thread that makes these schools successful. Because more than 75 percent of their students are on free or reduced lunch prices, these schools have chapter 1 school wide projects. This means, unlike other schools, they have the flexibility to use their chapter 1 dollars in ways that best fit their unique needs.

It is my opinion that most of the Federal rules that are attached to the Federal dollars that we receive, they label children as migrant children, chapter 1 children, they stigmatize children and they separate children. None of those things are good for children and we have to change it.

We used these two examples of what would happen if we were given more flexibility when we made our case to Secretary of Education Lamar Alexander. Secretary Alexander had come to Oregon, was much impressed with what we were doing here to improve schools, and asked me if we would like to have Federal waivers.

We, of course, said yes, and we spent 3 months systematically going through all of the Federal statutes and rules and regulations that are attached to our Federal dollars. And under the leadership of Dr. Joyce Benjamin of our department, our staff gave examples of what flexibility would do in each of those instances. Armed with that information after 3 months work, we went to the Department of Education on December 4, 1990, and our evidence was so impressive that at that time Secretary Alexander told us that he was willing to give us waivers.

But by that time I had become aware of a situation in Seattle where an administrator, a very progressive, thoughtful school administrator, had taken a small school and disregarded a lot of the rules and regulations and changed the school so successfully and changed the quality of education and the test scores so successfully, that parents whose children were not eligible to go to the school were fighting to get into it. But then after 2 years of success, the GAO came in and Seattle, as I understand it, is still trying to sort that out, and it has been a very costly exercise for the Seattle school system.

Well, that information made me very wary of just an administrative rule, And then, Senator Hatfield, I came to you and said I had hoped that we would be able to have Congress act on this and give us the authority. So we thank you very much for your effort and we are absolutely convinced that if we were given more flexibility, we could raise test scores and improve the quality of education in this State.

PREPARED STATEMENT

And last, I would say I want to assure you and all Members of Congress that we do not have any intention nor desire to try to take Federal money that is designated for particular children and use it for other purposes. That is not our intent. Our intent is to actually take the money for underprivileged children, or children that have learning disabilities, and actually provide a better serv-

ice and improve the quality of their education, and we are convinced we can do it if your legislation passes.

Thank you.

Senator HATFIELD. Thank you, Ms. Paulus.

[The statement follows:]

STATEMENT OF NORMA PAULUS

Since I became state superintendent in 1990, I have worked hard to remove the many needless regulations that strangle our schools—rules that block creativity, build bureaucracy, siphon money and time, and stand in the way of good practices.

I changed the focus of the Oregon Department of Education from a regulatory agency to one of service, research, and innovation. School improvement visits replaced standardization inspections. The State Textbook Commission was eliminated to give teachers direct contact with the State Board of Education. We simplified and combined reporting requirements—many tied to federal rules. These are just a few of the changes that have given schools and teachers some much-needed breathing room.

Meanwhile, my staff played a lead role in designing Oregon's landmark school reform act passed by the 1991 Legislature. Oregon's Educational Act for the 21st Century set into motion the most extensive restructuring of a public school system to occur in this country. This Act gives more power to local schools by allowing site committees of teachers, administrators, classified employees, and parents to steer the course for school improvement. We hold them accountable, requiring that their students reach specific state goals, but we do not tell them what methods they must use.

The Legislature also passed a law giving the state authority to grant local schools waivers from specific state and local rules which stand in the way of school improvement. More schools are requesting this opportunity.

Early in the effort, we realized there was a missing partner in our rule removal project—the federal government.

Let me share with you success stories in two Oregon schools. What is happening in those schools testifies most eloquently to the need for more flexibility in education rules.

These elementary schools are similar in two ways—they have high poverty and high test scores.

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Flexibility is the thread that makes these schools successful. Because more than 75 percent of their students are on free or reduced-price lunches, these schools have Chapter 1 school wide projects. This means, unlike other schools, they have the flexibility to use their Chapter 1 dollars in ways that best fit their unique needs.

Using these and other examples of what can happen with flexibility in federal rules, we took our case last year to Education Secretary Lamar Alexander. The Secretary, impressed by what Oregon was doing to improve schools, wanted to give us federal waivers. But we were concerned—after looking at what happened to a Seattle administrator who bent the rules to help students—about Oregon risk takers facing federal reprisals even if their students found success.

We needed federal legislation. Thankfully, Oregon's own Senator Mark Hatfield became our champion and led Ed-Flex through the Senate. The Oregon House delegation took up our cause and fostered Ed-Flex in the House. There it became part of an education bill passed by the House. The conference committee bill contained an Ed-Flex provision; it was approved by the House but it failed to achieve final passage in the Senate where it died in October under a veto threat, not because of Ed-Flex but because the bill also contained a provision to provide school choice. But since then, Oregon's cause for federal deregulation has drawn positive attention across the country.

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Our hopes are not extinguished. This session Senator Hatfield has reintroduced Ed-Flex and the cause has received vital support from Congressman Peter DeFazio and others.

A word of caution: in moving to Ed-Flex, it's important to allow discretion to participating states in determining which schools operate with fewer restrictions.

Oregon stands willing as an eager volunteer in this effort to give schools more freedom. We ask you to move ahead on this important legislation so that our students can move forward.

Thank you.

STATEMENT OF JUDITH BILLINGS

Senator HATFIELD. Ms. Billings.

Ms. BILLINGS. Again, thank you very much, Senator Hatfield, for the opportunity to talk about educational flexibility. It is, I think, particularly of interest to me because, as you noted in your introduction, I have worked in local school districts with Federal money in programs with children.

I have directed Federal programs from the State level and had the responsibility of going in and monitoring those programs in local school districts, finding many times that where one could see very good things on paper as far as record keeping, that told us nothing about the quality of the program the children were getting, only that the letter of the law was being followed.

Then having the opportunity to work for 1½ years with the House of Representatives Education Committee as we were drafting the Hawkins-Stafford amendments 4 years ago—5 years ago I guess, now—hearing the concerns of that you are hearing right now being expressed by practitioners in the field, wanting some way to use these funds more adequately with their State and local funds, and still hearing very clearly as well the concern of Congress men and women who wanted to be certain that the funds that were appropriated for particular children benefited those children.

And I have to say that some of the things that exist right now in Federal statute probably have part of a mark of things we heard and wrote in there at that time. And in the meantime looking at what we can do differently I have some very different opinions about what might be done with Federal legislation now, certainly as superintendent.

Also, as I look at what we are trying to do in the State of Washington, very similar to Oregon State, where we have a major reform bill pending before our legislature right now that passes much of the responsibility back not only to the local school district, but to individual schools and site-based councils.

We know that we cannot be as successful as we would like to be unless we have the kind of flexibility from the Federal Government that you are proposing in your companion bills in the House and the Senate. We, 6 years ago in Washington State, moved very strongly with our schools for the Twenty-first Century Program, to begin offering waivers of our basic education requirements to local school districts, if it would help them use their State moneys better.

And we have some very good results now, having used that approach. Just last year, we were finally successful, also, in getting the State legislature to adopt a totally new way of looking at what school districts are allowed to do. It used to be that they could do

only that that was specifically provided and allowed by law. Now they are allowed to practice any kind of educational activity that is not specifically prohibited by law. And so it is a whole different way of thinking, and it certainly has opened up some innovative programs in school districts as local teachers and administrators and parents have begun to look at what the possibilities are.

But again, there, when you look at even the small number of Federal dollars that come into our schools—in Washington State, for instance, only about 6.5 percent of the total education budget comes from the Federal Government, but that varies widely from school to school, depending on the population; it varies widely from district to district.

And what has happened in many cases is that the Federal regulations have tended to, if you will, skew the entire development of the education program in schools because of having to meet some fairly rigid requirements that really, when you look at it, do not make a lot of educational sense, even though they do hold you accountable for specific expenditure of dollars.

PREPARED STATEMENT

So if there is any way that we can be of help to you in providing information, documentation, strong testimony to the value of what you are proposing with this kind of easing of regulation rigidity, we will be most happy to do that. Because as my colleague, Norma Paulus indicates, it is not our desire to misuse Federal money. It is our desire to make sure that every piece of money that is available—and it is tight whether you are looking at local, State, or Federal dollars—that we can put all of those dollars together in the very best way possible for our kids.

[The statement follows:]

STATEMENT OF JUDITH A. BILLINGS

Thank you, Senator Hatfield, for the opportunity to discuss my views on educational flexibility before the Senate Appropriations Committee. On behalf of Washington State's public schools, I commend your efforts to promote educational improvement by allowing more flexibility for programs within the U.S. Department of Education.

Just as you have witnessed increased support within the Congress for regulatory flexibility, our state authorities have become increasingly convinced that local control and flexibility are essential elements in an effective educational system, fostering change and assuring long-term commitment to improvement. On the basis of this conviction, the state has authorized the waiver of many of the requirements within our Basic Education law. We have also created the Schools for the Twenty First Century—an exciting and effective program providing additional funding to districts wishing to implement innovative practices. With the support of an 18-month long state-level task force on education reform, of which I was a member, our legislature is now seriously considering encouragement of a much greater degree of school-based management. This would free districts and schools to more ably serve eligible students in integrated programs within the regular classroom.

Continuing the trend to greater local control, during its last session, Washington's legislature changed the thrust of our educational code by allowing districts to implement any practice or procedure not explicitly prohibited by law. Before this change, districts were limited to those activities explicitly authorized by statute. Earlier in the current legislative session, my office proposed further easement in regulations relating to the financial operations of districts and the number of days students must attend school.

Based on actions in the previous and current legislatures, the state is embarking on its most energetic and comprehensive deregulation effort to date. In the next four years, all education statutes will be reviewed to evaluate whether they potentially

interfere with required local reform initiatives. Statutes determined counter-productive will be eliminated or altered.

Regulatory relief, however, will not be effectual without the prospect of flexibility applied to federal education programs. Although federal programs comprise only six percent of monies expended in our local schools, much of the paperwork and monitoring burden is created by federal programs. It is not surprising that your praiseworthy initiative, S. 525, has met with strong support from local and state education authorities. Like our state, S. 525 recognizes the professional capacity of those who direct our schools to make the decisions that drive improvement.

I would like to note some related provisions within a report on the reauthorization of the Elementary and Secondary Education Act. I had the pleasure and challenge of co-chairing a diverse task force that developed the recommendations of the Council of Chief State School Officers for the reauthorization that is currently under consideration in Congress. Elemental to the entire report is the concept of consolidating like categorical programs at the state and local levels. The objective is to provide state and local officials broader latitude to integrate the various federal programs that are intended to serve similar population groups and to allow the effective integration of federal programs with state and local practice. This comprehensive approach to the elementary secondary act is complementary to the full scale waiver contained within your bill.

Finally, Senator Hatfield, I would be remiss if I did not address some of the concerns that are frequently raised when education flexibility is discussed. Traditionally, federal programs have focused on providing services to identified populations of students who are not likely to achieve educational success without extra assistance. More recently, a new focus has authorized activities intended to upgrade the quality of the entire elementary and secondary system with the objective of improving learning for all students. Flexibility certainly is desirable in this effort.

Advocates for specific populations of students have voiced the worry that educational flexibility may relieve districts from the responsibility of providing specific services to their children. To ease some of those concerns, your measure—and our state regulatory review—exempts special education, health and safety, and civil rights requirements from waiver. I would also argue that homeless children have distinct educational needs and there is justification for maintaining separate categorical services for these children.

It is significant that your measure preceding S. 525 was attached to the Neighborhood Schools Improvement Act in the last Congress. That measure, like our state reform initiative and similar activity in Oregon, encourages systemic change in the nation's school systems by authorizing and funding state reform plans for the development of high educational standards, the development of local curricular frameworks to help meet the standards, and implementation of authentic assessments to measure progress toward those standards. This approach holds local education entities to high standards but frees (and pays) them to implement strategies that are most appropriate for their communities and the children within them.

My office was actively supportive of S. 2 and will again pursue system reform legislation in this Congress. Combined with improved programming within the Elementary and Secondary Act and the prospect of local flexibility demonstrated in your bill, I am sure our schools can and will improve the education provided daily to the nation's children.

Senator HATFIELD. Those were both very fine statements. I would like to ask Ms. Paulus one question. As you know, the bill in the Senate assigns to the State department of education the initial role of evaluating the applications for waivers. From the experience in your department as one of the pioneers in flexibility with Oregon's deregulation, how great a burden will this place on the States? Will this be an objection raised by at least some superintendents or some States?

Ms. PAULUS. Well, Senator Hatfield, as I said, it took us about 3 months—in addition to our other duties, of course—to prepare for our initial visit to Secretary Alexander's office to make our case; which, as I said, was successfully done. But in addition to doing everything else we are doing, it took about 3 months to pull the information together and to go over it and get the examples from the

individual schools and superintendents, and the financial information.

So for us, of course, it would not be because we have already done it. But I suppose other States would find that somewhat burdensome, but we did not. The need is so great that we did it willingly. Plus, I think we benefited from that self examination. So I do not feel that that would be too burdensome. Of course, it varies from district to district, and also from State to State, but for Oregon it would not.

Senator HATFIELD. Thank you. Ms. Billings, the genesis of my interest in education reform really stemmed from literally a history, I should say a history of complaints from schools that regulations at all levels—not only the Federal level but at all levels, were, in effect, micromanaging in many ways, and that this was detrimental to student achievement, or at least it encumbered the possibility of greater achievement.

Was this the experience that you found in Washington State, and could you give me some examples of the sort of situation that you faced in your State on education reform?

Ms. BILLINGS. Yes; and your comment—that it is regulations, whether it is local, State, or Federal, that many times get in the way. And a lot of it has to do with having to make children eligible for particular program dollars in order to bring those dollars to bear in designing programs.

When you have to design a program, that you keep that program equipment, materials, teachers, and so forth totally separate from another program because, for instance—and these are the ridiculous kind of things. That if a teacher was totally funded with chapter 1 money and that teacher is working in a regular classroom that is a mixed group of children, some eligible and some not, that teacher is violating Federal law if he or she answers a question from a nonchapter 1 child.

You know, those kinds of restrictions make very, very little sense. Because, again, what it does is it separates out a group of children instead of bringing them much more strongly into the school life. Which is really what you are trying to do with these program dollars, is you are trying to bring children's skill levels up to the point where they can function successfully in the regular school program.

And when you, in fact, pull them out of it, which is what most schools did to make certain that they kept those lines clean, students who were eligible for particular kinds of moneys were generally pulled out of the classroom, put somewhere else, dealt with totally separately. And so instead of really, then, supporting what was happening in the classroom, you had those children missing a part of their regular classroom instruction and not having any guarantee at all that what was happening in that separate room was supportive or would make that child more successful back in the classroom.

So, you know, it is those kinds of things. And the bookkeeping on it is horrendous. I mean when our districts first decided they would try to do some of this pulling together of fundings from local, State, and Federal moneys, and they would have one person who was funded one-third from this fund, one-third from that fund, and

one-third from another; and then you had to make sure that the kids were eligible, one-third of them for this group, and one-third of them for this; and then you had to make sure that the time you spent was, you know, equally divided. I mean those kinds of things are crazy, if what you are really trying to do is work with children's minds and help them get a good education.

Ms. PAULUS. There is another aspect of that that I feel very strongly about, and it is a sensitive issue. And because of its sensitivity it is not discussed publicly very often, but I have been trying to because I think it is important for people to get the complete picture. And this is my opinion, and it is shared by some members of my staff but not all people in the school system.

First of all, I believe that the curriculum in this State, and I suspect it is true in Judith's—the curriculum has been watered down by low expectations just for the general population. And the present system, in my opinion, does not truly believe that all children can learn, and we are bound and determined to change that.

But if you take the situation that has just been described by Judith Billings; you have a school that has maybe 10 or 15 percent of its population of children that are eligible for chapter 1 money, or migrant money. The restrictions allow or force us, first of all, to label them as chapter 1 or migrant children, and then to separate them and take them out.

And too often, those children are taken out to a mobile home because of the pressure now of the growing population, on the playground. And they are surrounded oftentimes by people who have low expectations themselves. For instance, some of the Federal programs over the period of years have encouraged the hiring of people to be aides who are family members, that might have an eighth grade education or low education themselves.

So they care very much about the children, but as a consequence the children's daily lives find them in the midst of people who have very low expectations of themselves, no matter how well intentioned they are. And so it is a watering down of the curriculum. It is a dumbing down process and I feel very strongly about that. And the way to correct it is the way of the Whiteakers and the Richmonds, where you can not separate those children, but leave them in the classroom and bring their extra resources in.

Senator HATFIELD. Congressman DeFazio, do you have any questions of the panel?

Mr. DEFAZIO. Thank you, Senator. Very briefly, and I would invite either Superintendent Paulus or Superintendent Billings to respond. As you heard in the initial discussion between myself and the Senator, my bill would include waivers of what are maybe by some—well, are definitely not traditional education, Federal education programs, such as, you know, Head Start or Runaway and Homeless Act, or the Juvenile Justice and Delinquency Prevention Act. But it seems to me that, in an adjunct way, if we are going to deal holistically with at-risk youth, that we are going to need some flexibility in these funds too.

And then also, the fact that I have the waivers also available for some things under the IDEA. Again, I think my idea is to, if we are truly going to engage in mainstream education and we are

truly going to encourage, you know, flexibility and things, I think it is key that we cast a broader net with the waivers.

And I just invite either of you to respond briefly to, you know, whether or not you share that view, and do you see that—I mean, should I limit it in any way further than I have, or do you think I should persist in attempting to cast the broader net?

Ms. BILLINGS. I think that—more broadly, that we can deal with waivers because there are so many programs that exist in several of the different departments, and they all affect children's and students' lives. That if you deal with only a few and you do not have the broader coverage, I think you will still have some impediments there that you would not have if you are able to get a broader cooperation.

It is interesting that that is a part of your proposal, because I can recall back in 1986 testifying before the U.S. House of Representatives Subcommittee on Elementary and Secondary Education and having your colleague, Representative Goodling, ask how do we get these things coordinated and how do we get it to the point where we do not have to worry about crossing lines.

Mr. DEFAZIO. Well, he has persisted and convinced me to broaden the net in our bipartisan proposal. So he is inconsistent and committed.

Ms. BILLINGS. Yes.

Ms. PAULUS. I would—we, of course, would like to have special education far more flexible than it is now, but that lobby is so strong that I would not want to jeopardize the success of the other departments. But that is for you and the Senator, I think, to work out.

I am very pleased to tell you that we are making significant strides with inclusion of our special education children. I wish you could both have been with me just this last week when we brought in our teachers and principals from the developmental sites that we funded under our Twenty-first Century Act last year. And without being prompted, they were just spontaneously talking about what successful efforts they were having with their special education children, and how the inclusion was working for the benefit of all children.

So we are doing it, but we have just meeting after meeting and threatened lawsuits after threatened lawsuits because of the restrictions on Federal education money—I mean special education money.

The other point that I would like to make about Head Start is I think that we are the only State in the Union now that has successfully blended a State Head Start with the Federal Head Start. And I have actually signed an agreement with the Federal Government to that point. So I would like to encourage you for full funding of Head Start, in addition to everything else.

Mr. DEFAZIO. Congratulations. I am pleased to hear that. That is great. That is great.

I have no further questions, Senator.

Senator HATFIELD. Thank you, Congressman DeFazio.

You know, it is not only in education, but I can tell you as an appropriator, I get increasingly frustrated when I see the dollars

that we appropriate targeted to a constituency, and how much is skimmed off in process from those original dollars.

And, you know, this is particularly effective—this is a defect in any of the so-called health programs that are being advocated today, because we have not controlled yet the process in health care. That is one of the fastest driving processes of cost increase. And it is true in so many of our programs.

This is not going to cure it, but certainly I hope it is a step in the right direction. Because as both of you people have indicated, so much of your time, energy, and costs of compliance and paper, all these other things with regulations really deny the students the benefit of those dollars that come in from the taxpayers, at least a percentage of those dollars.

We would be very happy to have both of you women join us here and participate in the panel if you wish, if your schedules are such that you can. We have two desks over here. At least as long as you wish; do not feel obligated. [Pause.]

STATEMENTS OF:

CAROLYN OAKLEY, OREGON STATE HOUSE OF REPRESENTATIVES, SALEM, OR

JEANA WOOLLEY, CHAIR, BOARD OF EDUCATION, SALEM, OR

Senator HATFIELD. For our second panel this morning, I am pleased to introduce the Honorable Carolyn Oakley and Mrs. Jeana Woolley.

Mrs. Oakley is a Representative in the State legislature. She has represented Oregon's 36th Congressional District since 1989. She now serves as the assistant majority leader in the Oregon Legislature. She chairs both the education committee and the National Conference of State Legislators' Education Committee.

Mrs. Jeana Woolley has 20 years of experience in both public and private sector organizations. Mrs. Woolley is currently the chair of the State board of education. She is active in improving the quality of education for low income and minority children, and in various community and economic development efforts. Ms. Woolley also operates her own planning and development consulting firm here in Portland, and currently serves on a number of boards and commissions here in the State.

We are very happy to welcome the legislator and the chair of our education board, Mrs. Oakley and Mrs. Woolley.

STATEMENT OF CAROLYN OAKLEY

Ms. OAKLEY. Good morning.

Senator HATFIELD. Good morning.

Ms. OAKLEY. And welcome. And I would like to thank the Senator and the Congressman and the superintendents for allowing us to be here this morning.

As a member of the Oregon House and chair of its education committee, I am committed to school reform and restructuring. It is the best way of making sure all students learn. Oregon's education reform legislation, like school reform legislation across the Nation, calls for high standards for all students. But we in Oregon know that calling for just high standards is not enough. Not only must we set standards, but then we must let the people in the

schools, the teachers, the principals, and the parents, figure out the best way for their students to meet those standards.

During recent sessions, the Oregon Legislature has taken steps to let decisions be made locally, at the school site where it counts. Let me give you some examples of this kind of local control.

In 1987, the legislature passed legislation called the 2020 program which, among other things, established funding to encourage local schools to design plans to improve education. In 1989, the legislature expanded that idea and passed legislation allowing schools to apply to the State board of education for waivers from State and local regulations that interfere with school improvement, as a part of the 2020 plan.

Schools, working closely with their communities, are taking advantage of this opportunity. More than 15 percent of the schools in our State have seized the opportunity to build school improvement plans that will certainly provide a better education for their students.

In 1991, the Oregon Legislature passed the school reform bill, the Oregon Educational Act for the Twenty-first Century. This landmark act does positive things for students and it expands the decisionmaking to the school site. The site-based decisionmaking bodies are called the Twenty-first Century School Councils. These councils are comprised of teachers, classified employees, administrators, parents, and others. And beginning in September 1995, all schools in Oregon will have the school site council.

Our Oregon school reform legislation is based on the belief that those most closely affected by the decisions ought to play a major role in making those decisions. Also, schools are more likely to succeed in reaching new and higher student learning standards if those who work most closely with the students play a major role in guiding the changes.

The legislature this year will renew its commitment to the school reform program and to the idea of flexibility, and now the Oregon Legislature is calling on Congress to take similar steps. This year the House passed, by a 58-to-0 vote, House Joint Memorial 1. This bill recommends that Congress mandate sparingly and allow States more discretion and flexibility in spending Federal dollars, so that the needs of specific areas may be better addressed at the State and local levels.

We believe that Federal mandates that follow Federal dollars often do not take into consideration the local and the regional needs of our children. That is why we are excited about the possibilities of edflex. Better yet, we are prepared, thanks to our school reform program and the State waiver process, to handle edflex. In fact, my own school district, the Greater Albany School District, has asked to be an edflex district. This district, I assure you, is on the road to change, taking carefully designed initiatives to improve education today.

PREPARED STATEMENT

But some Federal roadblocks stand in the way. I ask that you give my schools and others the ability to ask the State to remove those roadblocks to reform. Hold those schools accountable, yes, but

give them, not Washington, control for getting their students to their destinations.

Thank you.

[The statement follows:]

STATEMENT OF CAROLYN OAKLEY

As a member of the Oregon House and chair of its education committee, I am committed to school reform and restructuring. It is the best way of making sure all students learn. Oregon's education reform legislation, like school reform legislation across the nation, calls for high standards for all students. But we in Oregon know that calling for high standards is not enough—not only must we set the standards, we then must let the people in the schools, the teachers, the principals, and the parents, figure out the best way for their students to meet those standards.

During recent sessions, the Oregon Legislature has taken steps to let decisions be made locally—at the school site where it counts. Let me give you some examples of this kind of local control.

In 1987, the Legislature passed legislation—called the 2020 program—which, among other things, established funding to encourage local schools to design plans to improve education.

In 1989, the Legislature expanded that idea and passed legislation allowing schools to apply to the State Board of Education for waivers from state and local regulations that interfere with school improvement as part of their 2020 plan. Schools, working closely with their communities, are taking advantage of this opportunity. More than fifteen percent of the schools in the state have seized the opening to build school improvement plans that will provide a better education for their students.

In 1991, the Oregon Legislature passed the school reform bill, the Oregon Educational Act for the 21st Century. The landmark act does many positive things for students and it expands the delegation of decision making to the school site. These site-based decision-making bodies are called 21st Century Schools Councils. These councils are comprised of teachers, classified employees, administrators, parents, and others. Beginning in September 1995, all schools in Oregon will have such a school site council.

Our Oregon school reform legislation is based on the belief that those most closely affected by decisions ought to play a major role in making those decisions. Also, schools are more likely to succeed in reaching new and higher student learning standards if those who work most closely with students play a major role in guiding the changes.

The Legislature this year will renew its commitment to the school reform program and to the idea of flexibility. And now the Oregon legislature is calling on the Congress to take similar steps.

This year the House passed, by a 58-to-0 vote, House Joint Memorial 1. The bill recommends that Congress mandate sparingly and allow states more discretion and flexibility in spending federal dollars so that the needs of specific areas may be better addressed at the state and local levels. We believe that federal mandates that follow federal dollars often do not take into consideration the local and regional needs of our children.

That's why we are excited about the possibilities of Ed-Flex. Better yet, we're prepared—thanks to our school reform program and a state waiver process—to handle Ed-Flex.

In fact, my own school district, Greater Albany, has asked to be an Ed-Flex district. This district, I assure you, is on the road to change—taking carefully designed initiatives to improve education. But some federal roadblocks stand in the way. I ask you to give my schools and others the ability to ask the state to remove those roadblocks to reform. Hold these schools accountable, but give them—not Salem, not Washington—control for getting their students to their destinations.

Thank you.

STATEMENT OF JEANA WOOLLEY

Senator HATFIELD. Ms. Woolley.

Ms. WOOLLEY. Thank you, Senator Hatfield, Congressman DeFazio, Superintendents Paulus, and Billings. I appreciate the opportunity to come before you this morning and provide testimony on the Educational Flexibility Act.

Oregon is a pioneering State and it has a pioneering legacy, and it is fitting, I guess, that as we celebrate our 150th anniversary of the Oregon Trail, that we are pioneering in education as well. So I think that this hearing comes at a very timely period and we welcome the opportunity to pioneer unchartered territory in education for the betterment of our children.

When the 1991 legislature passed the Oregon Educational Act for the Twenty-first Century, Oregon emerged as a leader in a growing nationwide movement to build a superior system of public education. We are talking about a radical transformation of schools and schooling in our act, one in which every child is viewed as an important societal asset and a key to the future; a system in which student progress is measured not in terms of credits accumulated, but in terms of outcomes reached; and one where local educators and parents are given much more responsibility for decisions about the educational practices that will be used to achieve better outcomes and higher standards for all students.

For more than 5 years, we have had legislation in this State that allowed the State board of education to waive all State statutes, rules, and agreements relating to educational practices, except those that affect health, safety, or constitutional rights under State or Federal law. And we have allowed these waivers if schools developed a plan to show how students would be better educated without the constraints that these laws imposed.

The technical process for these waivers is that a school site council, an equivalent to the twenty-first century site councils, drafts a plan to improve the academic performance of students. The local board approves it and the State board, after reviewing these waiver requests, may waive the regulations that the school district is asking to be waived.

This reform legislation has empowered those who work most directly with children. Just ask Sally Leahy, Oregon's teacher of the year this year. She calls this the "teaching chance of a lifetime" to have flexibility and to be able to work with children in a way that she, as a practitioner, sees to be best.

While Oregon embraces a program that will take us into the future, we still have many Federal regulations that hold us to the past. That is why Oregon needs your help in this legislation. Edflex goes hand-in-hand with our school reform efforts. We cannot move as far as we need to without this flexibility. We are still hamstrung by some Federal regulations invented 30 years ago; regulations that have not kept pace with the needs of children or our understanding of what helps them learn effectively.

For instance, pullout programs, which you have heard spoken to several times in the testimony this morning, encouraged by Federal certification, fly in the face of what teachers know about student learning. Yet these practices persist under Federal regulation.

Standardized testing should not be used as an evaluation tool for the effectiveness of chapter 1 programs, for example, in the primary grades. In this State, we use a different superior assessment that is tied to what we expect students to learn, that encourages thinking and better measures the learning that we are expecting of children in Oregon classrooms, as opposed to rote learning that often standardized tests test for.

Our current categorical approach to Federal funding resembles a patchwork quilt. It fosters poor coordination, overlapping reporting requirements, and regulations that inhibit good service delivery and effective use of every dollar for student learning. Now the time has come to take a fresh look at the Federal quilt and determine the barriers that can be eliminated, and we believe that the legislation that we are considering and testifying on this morning will help us do that.

The system now is predicated on categorizing children. This can affect a child's self concept early in his or her educational career, because it is often common knowledge among children on the playground and in the classroom which students own certain labels: which students are migrant children, which students are chapter 1 children, et cetera.

Not only is it important to avoid the labeling of children, but we now know that students often learn best when they work with each other and develop appreciation for each other's unique knowledge and talents. We call this cooperative learning. We call this integrated curriculum, where children are working in groups and can utilize each other's talents to solve problems and to complete work in a classroom.

Quite often there is little connection between the regular classroom and the special services that are created with Federal dollars and under Federal programs. A principal of an elementary school called the computer room a chapel—the computer room funded by Federal dollars a chapel because it was so disconnected from what was happening in the regular classroom. These computers in this particular school have been moved into the classrooms so that children can—so that those children who need those services provided under these Federal dollars can have that as part of their regular learning program.

Schools today waste precious time and money making sure chapter 1 funded teachers and equipment are being used only for chapter 1 services, and I think Superintendent Billings testified to this. When we have resources that are federally funded and then we have to identify children and label children in order to make effective use of those resources to augment the learning process for all children, it hampers the learning process for those children those dollars are intended to serve, and for everyone else. This makes it impossible to help the children who need the special support within the context of the regular classroom.

The changes we are proposing will not throw out the good things that are happening today. But we do want to free up the energy that is out there, and at that same time maintain accountability for educational results with children than accountability for bureaucratic procedures. This is one of the main thrusts of our reform in Oregon, and I think Superintendent Paulus testified to the fact that we have—the State board and the superintendent have looked extensively at how we can begin to eliminate regulations at our State level, and the legislature has given us the authority to do that.

So we do have a suggestion, however, to improve the edflex plan. We suggest that the decision to grant the operational waivers be made at the State level, after an agreement on the State plan is

reached between the State and the Secretary. Then there could be either periodic performance audits of the plan's effectiveness by the Secretary, or annual accomplishment reports by the States with period evaluation.

This will provide more oversight at the State level. It should also eliminate the fear that many special constituencies—parents, teachers who service these special populations of students that our Federal categorical dollars are intended for—may have that flexibility will be used by local school districts as a way to use Federal dollars to augment their general budgets, and not to be used to improve the learning for the students that those categorical programs were intended to help.

We must assure that this is not the process. And we believe that a plan that provides the waivers, since we are doing this at the State level already and we tie that directly to the reform efforts that school districts are about the business of implementing, that this would just be another piece of our overall reform effort.

PREPARED STATEMENT

It is our firm belief that a seamless program will use dollars more effectively to encourage better performance from all of our special-needs students. With edflex, I can assure you that the Federal dollars will be well spent in Oregon.

And I thank you for your time.

[The statement follows:]

STATEMENT OF JEANA WOOLLEY

Oregon is a state with a pioneering legacy and as we celebrate the 150th anniversary of the Oregon trail, we're still pioneering uncharted territory in education.

When the 1991 Legislature passed the Oregon Educational Act for the 21st Century, Oregon emerged as the leader in a growing nationwide movement to build a superior system of public education.

We're talking about a radical transformation of schools and schooling—one in which every child is viewed as an important societal asset and a key to our future; a system in which student progress is measured not in terms of credits accumulated but in terms of outcomes reached and one where local educators and parents are given much more responsibility for decisions about the educational practices that will be used to achieve better outcomes and higher standards for all students.

For more than five years, we have had legislation that allows the State Board of Education to waive all state statutes, rules, local policies, and agreements relating to educational practices, except those that affect health, safety, or constitutional rights under state or federal law if the school develops a plan to show how students will be better educated without these restraints. This is how it works. A school site council drafts a plan to improve the academic performance of students, the local board approves it, and the State Board after review waives the hampering regulations.

This reform legislation empowers those who work most directly with children. Just ask Sally Leahy, Oregon's teacher of the year. She calls this the "teaching chance of a lifetime." She adds, "School systems must work to remove the rigidity of structuring that so often paralyzes the creative process. Their focus should be on clearing the path and removing the barriers that obstruct growth."

While Oregon embraces a program that will take us into the future, many federal regulations tie us to the past.

That's why Oregon schools need your help. Ed-Flex goes hand-in-hand with our school reform efforts. We can't move as far as we need to without it. We're still hamstrung by some federal regulations invented 30 years ago—regulations that haven't kept pace with the needs of children or our understanding of what helps them learn effectively.

For instance, pull-out programs, encouraged by federal certification fly in the face of what teachers know about student learning. Yet these practices persist.

Standardized testing should not be used as an evaluation tool for the effectiveness of Chapter 1 programs in the primary grades. We use a different and superior assessment in Oregon that encourages thinking not rote learning.

Our current categorical approach to federal funding resembles a patchwork quilt. This fosters poor coordination, overlapping reporting requirements, and regulations that inhibit good service delivery and effective use of every dollar for student learning. Now the time has come to take a fresh look at the federal quilt and determine the barriers that can be eliminated.

The system now is predicated on categorizing children. This can affect a child's self concept early in his or her educational career, because it's often common knowledge on the playground which students own certain labels. Not only is it important to avoid labeling, we now know that students often learn best when they work with each other and develop appreciation for each other's unique knowledge and talents.

Quite often there is little connection between the regular classroom and the special services created by the federal programs. A principal of an elementary school called the computer room "a chapel" because it was so disconnected from what was happening in the classrooms. Those computers have been moved to the classrooms.

Schools waste precious time and money making sure Chapter 1-funded teachers and equipment are being used only for Chapter 1 services. This makes it impossible to help the children who need special support within the context of the regular classroom.

The changes we're proposing will not throw out the good things that are happening now. But we do want to free up the energy that is out there and, at the same time, maintain accountability for educational results with children rather than accountability for bureaucratic procedures. This is one of the main thrusts of reform in Oregon.

We do have a suggestion to improve the Ed-Flex plan. We suggest that the decision to grant the operational waivers be made at the state level, after an agreement on the state plan is reached between the state and the Secretary. Then, there could be either periodic performance audits of the plan's effectiveness by the Secretary or annual accomplishment reports by the states, with periodic evaluation. This will provide more oversight—it should also eliminate the fear many have that flexibility will be used by local school districts as a way to use federal dollars to augment their budgets and not be used to improve learning for the students that the categorical programs were intended to help. We must assure that this is not the case.

It is our firm belief that a seamless program will use dollars more effectively to encourage better performance from our special needs students.

With Ed-Flex, I can assure you that federal dollars will be well spent in Oregon.

Thank you.

Senator HATFIELD. Thank you.

Representative Oakley, you are wrestling at the moment down at Salem with trying to supplant the shortfall caused by measure 5. And many districts in our State will certainly be faced with serious financial problems; many already are. Do you see a relationship as to how educational flexibility might impact upon the financial crisis we are in?

Ms. OAKLEY. Yes; I certainly do, Senator. I visit with Bob Stalik, who is the superintendent of my own school district in Albany, and I visit with him on a regular basis. And we have talked a great deal about the special educational funds and the chapter 1 funds and how we are not getting as good a bang for our buck. If we could get some flexibility in those funds, make better use of the computers we have in our buildings, it would certainly help alleviate in a small way some of the problems we are going to be facing with ballot measure No. 5.

Senator HATFIELD. I appreciate your observation.

Ms. Woolley, picking up on your thought about empowering schools and school districts to define their own uses for Federal funds in support of students—and, by the way, I might share with you what I thought to be a very insightful experience I had when the Republican caucus in the Senate invited President Clinton to come up and have lunch with us one noon. And in our dialog with

the President he specifically, in response to a number of questions, indicated his desire to review many of these accounts and programs in the Department of Education, where he felt that we could combine many of these categorical programs into a bloc grant to the State. This would certainly empower the State, with a little more flexibility, as to the use of those Federal dollars.

But also, we know that the pullout programs are bitter reminders of how far removed the Federal law can be from the realities of education. And as you made this suggestion on the second page of your testimony, I think it again raises a problem we had, as I indicated earlier, with the discussion and debate last year, as to those who had very sincere problems and questions to ensure that the services are received by the individuals intended.

Therefore, how do we obtain accountability without a new burden of paperwork? You alluded to that in the last major paragraph of your testimony. Would you care to expand on that?

Ms. WOOLLEY. Well, Senator, I think that one of the reasons that I have made this suggestion is I believe that accountability can be better provided at a State level than it can at a Federal level, No. 1. No. 2, I think that we, in this State at least, already are about the business of holding schools accountable. The other waivers that we grant, we have a monitoring process and a reporting process to determine whether, in fact, they are making progress toward that educational improvement plan that they have suggested they are implementing, that the regulations got in the way of them effectively implementing, on behalf of improved academic performance of students.

And so we already have a process by which we hold schools accountable in terms of our State regulations. And I do not see this being any different if the authority rests at the State level for the school districts to request those waivers, and I think the process would be very similar. We are set up to do that, as Superintendent Paulus suggested.

And I think that what we have to do is provide information on how this program is going, back to the public, and certainly back to those special constituencies, as we begin to implement it. So that people—and we have to relate, through our assessment scores, what is happening with students in schools where we are granting these waivers.

I think all of those things can help us sell to the public, particularly certain portions of the public who may be skeptical about how these dollars are going to be used. That we are going to have to be very vigilant in providing information and making the case in the first couple of years of implementation of a program like this; that, in fact, it is having a positive result for children, and particularly for those children who those dollars were originally intended to serve.

My theory is that it will have a positive impact for all children who are in those schools where flexibility is granted. Because I believe we will be able to better utilize the resources that we have, whether they are human resources or supplies, computers, to service all children. And you will be able to make those children who need those services a part of a regular classroom. They will not be stigmatized by separation from the flow of the normal classroom.

So I truly believe that we have an obligation, as we begin to implement edflex in this State or any other State, to provide some information back to the public on some kind of regular basis. And perhaps as we report back to the Federal Government, that we have a report card in this State where we report to the public what is happening with schools. And I think this becomes a part of that report card back to the public about what is happening in this part of our overall statewide educational improvement program.

Senator HATFIELD. I hear you saying, as it relates to your own experience in State waivers, that you are already in the business of maintaining accountability. And to draw upon somewhat of a metaphor, you have combined your categorical accountability into a bloc approach to accountability, and adding the Federal role is just an expansion of that existing accountability relationship you have at the State level. Is that what I hear?

Ms. WOOLLEY. Yes, Senator, I am saying that. And I am also saying that I think that what our accountability is for, is for what students accomplish, not for whether dollars are being focused in a certain kind of way. So I think that the accountability ultimately has to be in the improvement program that school districts are suggesting they are implementing with this flexibility, whether it be State waivers or Federal waivers—is it working for students?

And we measure that by looking at how well students are improving their academic performance in those school buildings. And that is the bottom line. That is what we are in business to do here with all of these dollars.

Senator HATFIELD. But unfortunately, referring back to the Seattle experience again, we still have those accountants and those auditors in the GAO who are looking to the dollars more than they are looking at the achievement or what the student has become. And how we bridge those two worlds is, of course, part of the key, both in the leadership of our educational programs, as well as in the regulation.

Congressman DeFazio, do you have questions?

Mr. DEFAZIO. Just to follow up on that, Senator, if I could for a moment, with Ms. Woolley.

Have you previously broached or discussed this idea publicly? I mean the way I understand it, the State essentially would take its plan and file for sort of categorical eligibility and then would grant the individual exemptions to the school districts.

And I will just give you an experience I had. I tried to construct Federal legislation last year in a different area altogether. This legislation was dealing with wetlands where we have got a myriad of three or four Federal agencies and three State agencies. And when people have to deal with wetlands action, they do not have the slightest idea where to go or what the progression is, and there is no flow chart or anything.

And so I said, well, you know, if the States would adopt comprehensive plans and then agree to, you know, follow them, could we not give the States some categorical eligibility and they could be the centralized, through one agency, place to go for applications? And I initially got a lot of interest and support.

But as I got closer to refining the legislation I found that a number of the interest groups felt that they could exert more leverage

on their particular Federal bureaucracy to get to achieve their goals, you know, locally, or to stop some development or whatever their particular goal was. And they were actually worried about sort of this movement toward a unified approach.

As the Senator already raised the issue and I discussed it with the superintendents and Superintendent Paulus certainly raised it with some of the folks dealing with the IDEA Act, have you heard from people about this idea? I mean do you think that this is going to cause that kind of problem with the various interest groups and communities?

Ms. WOOLLEY. Well, I think you always have special interest groups that would prefer to control an agenda that they think affects their constituencies.

I guess that my point of view is that when we look at the Federal Government and we look at the kind of educational reform we have going on around this country, and the different ways that that is packaged in different States, that I think it is going to be important to allow the State, which is where most of the dollars for education is coming from to local school districts in whatever State we are talking about, to have some oversight if ultimately they become the accountability mechanism for what is happening to children in that State.

And we are trying to, you know, synthesize a program. I think it becomes very difficult to figure out whether the waiver that a local school district is asking for from the Federal Government, out of Oregon for example, is within the context of all the other things that they are trying to do. And we already have a visit process from the State level that we, in fact, visit every school and are evaluating those programs on a regular cycle of—it is now 6 years, but we are looking to reduce that to a shorter timeframe.

So I think that what we want is we want a program—I mean a waiver process that has accountability at the lowest level possible, so that you have an integrated program and that the waivers are, in fact, accomplishing the purpose for which you would have passed legislation at the Federal level, to help us locally.

Mr. DEFAZIO. I think it is absolutely key that it be integrated in and approved by and consistent with the State plan. But I guess the question is, you know—again, and I share your view. I think it would be best if the State could get sort of a categorical waiver and then make the individual waivers. I think we will probably hear more about this.

Ms. WOOLLEY. I agree we will, but I think you will have to use your best judgment. It is a suggestion that I am making that I think would work for us here in Oregon because of the track record and the foundation that we already have for this kind of a process.

Mr. DEFAZIO. Yes; unfortunately what happens in Washington is we generally end up legislating to the lowest common denominator, which is a problem. Just like I think it was Ms. Paulus who suggested that we are sometimes educating to that level too, and that is a problem.

Senator HATFIELD. True. Always the lowest common denominator.

Mr. DEFAZIO. So, I thank you.

Senator HATFIELD. Ms. Paulus.

Ms. PAULUS. Well, this must vary so tremendously from State to State, because just in Oregon we have changed—just overnight we have changed the whole system. A 150-year old system, we have turned it upside down with measure No. 5. Before ballot measure No. 5, every school district could elect its own board members and then go out in its own community and raise the money. And the only way which the legislature or the State board of education had to try to improve the school system was to mandate certain standards and then go out and try to make schools come up to that, and that did not work.

Now what we are trying to do at the State level is to say we are going to set some very high standards and we are working with other people in the Nation to set some global standards, and we expect them to meet—their children to meet those standards, and we have set up a statewide assessment system so that now we can actually compare a school in Drain to a school in Portland.

And over a period of years now, I think in 5 years—and parents are going to expect that. And if their students are not progressing at the same rate and same level as others, the parents are going to demand that the school either be closed or that their children be changed into another school district. And the money that we get from the legislature for pilot programs and demonstration projects, we put out on a competitive bid.

So it is a totally different system, which leads me to say that if you give us the flexibility with Federal funds, then we would accept the condition that the Federal Government would put on that if we could not demonstrate to you through our assessment process that we had actually changed scores, then you could keep the money from us and give it to some other State.

We feel so confident that we are right by asking you to do this and that we can improve test scores, that we are willing to say you give us bloc money, as the President has suggested, and give us the freedom to use it, we know we can change children's test scores. So I think that is the way to do it. Say give us the money and say here are the standards you have to meet, and if you do not we will give some other State the money. That, to me, would cause immediate energy and results.

Senator HATFIELD. I feel as confident as you do about being able to meet that challenge in Oregon and Washington. Ms. Billings.

Ms. BILLINGS. I was just going to say what Norma is indicating makes so much sense. Because unfortunately, the way Federal programs flow dollars to local school districts now, you get more dollars if your kids continue to do poorly than if your kids continue to improve. And that is totally backward from what we ought to be doing. So if this was the standard, you would then have the money staying to do good where good was being done.

Senator HATFIELD. Similarly in the insurance industry, you have to get sick to benefit.

Thank you, again, for your comments and testimony. You have made a fine contribution here this morning.

Ms. WOOLLEY. Thank you.

Ms. OAKLEY. Senator Hatfield, thank you for inviting me to share the space here with you. I need to leave, but thank you again for inviting me to the hearing.

Senator HATFIELD. I understand. We are very grateful for your making the trip down here, and we will send you a copy of the transcript.

Ms. OAKLEY. Thank you.

STATEMENTS OF:

CAROL TALLEY, SALEM-KEIZER SCHOOL DISTRICT, DISTINGUISHED OREGON EDUCATOR, OREGON DEPARTMENT OF EDUCATION, SALEM, OR

JOE SIMON, PRESIDENT, BEAVERTON EDUCATION ASSOCIATION, REPRESENTING THE OREGON EDUCATION ASSOCIATION, TIGARD, OR

DOUGLAS MAHURIN, PRINCIPAL, PINE GROVE ELEMENTARY SCHOOL, REPRESENTING THE CONFEDERATION OF OREGON ADMINISTRATORS, SALEM, OR

Senator HATFIELD. At this time we have a panel of Oregon educators to give their insights into the flexibility issue. I would like to invite Ms. Carol Talley, Mr. Joe Simon, and Mr. Douglas Mahurin to be our first panel.

Ms. Talley is currently a chapter 1 teacher at Parrish Middle School in Salem, and serves the State as a distinguished Oregon educator. She also serves as the chairperson to the Onward to Excellence Committee at Parrish Middle School, was the 1990–91 teacher of the year at Parrish Middle School.

I am struggling with that term, Parrish Middle School. Having attended Leslie Junior High School and our chief competitor was Parrish Junior High School in my generation, I had a very negative attitude toward Parrish. [Laughter.]

But then when I started dating Antoinette Kuzmanich, who was in her first teaching position, after graduating from the University of Oregon, at Parrish Middle School, I want you to know that in this part of my life I have a very positive attitude toward Parrish Middle School.

Mr. Joe Simon is currently serving his fourth term as the president of the Beaverton Education Association, and is here today representing the Oregon Education Association. Mr. Simon received his bachelor of science degree from the University of Idaho and his masters in special education from Oregon State University. Mr. Simon has been a teacher for over 30 years, with the last 20 years in special education. He is currently on leave of absence from Sunset High School.

Mr. Douglas Mahurin has been an educator for over 30 years, as a classroom teacher, a principal, a superintendent. For the last 11 years he has been with the Hood River School District, and is currently principal of Pine Grove Elementary School. As district special projects coordinator, he monitors chapter 1, migrant, and reading programs, and vocational education.

Mr. Mahurin's long and active involvement in his community has included the hospital board of directors, the children and youth services committee, an alcohol and drug advisory committee, and the city budget committee. So, Mr. Mahurin, I can see you are dealing with finance at other than an educational level.

We are very happy to have each of you and we will start with Ms. Talley, if you would like to lead off. And as all of you have heard, we are asking you to summarize or highlight your testimony

within a 5-minute timeframe. And the entire statement, your entire testimony will be incorporated in the record as if given.

Ms. Talley.

STATEMENT OF CAROL TALLEY

Ms. TALLEY. Senator Hatfield, Representative DeFazio, Superintendent Paulus and others, thank you for this opportunity to share with you this morning. And Senator Hatfield, I especially want to express my appreciation to you for your desire to include testimony from an in-the-field chapter 1 teacher.

When my daughter Jackie was in the third grade, she was identified as having a learning disability. And labeled as a handicapped learner, she was eligible and received special education services. She left her classroom almost every day for 2 years and went to the special education teacher and received instruction in reading and language arts.

And her skills improved, improved so much that by the time she was in sixth grade she no longer was eligible for that special education service, but she was eligible for chapter 1. So she then became a chapter 1 student, and all during her sixth grade she spent 4 days a week for 30 minutes a day in the chapter 1 room receiving chapter 1 reading instruction.

Both of those things really helped her, and as a parent I deeply appreciate the fact that her skills increased. But being labeled and separated from her peers through her elementary school had a very negative result in terms of her own feelings about herself. She is an adult today, but she still feels that stigma.

I believe that it is our administrative need to separate funding sources that causes us to label children and to categorize them and to separate them, and I believe with all my heart that it is essential that we allow the need of the child to determine what we do and then find whatever way is necessary to administer the program for them.

It was during the time that my daughter was a chapter 1 student that I decided that I wanted to become a teacher, and have for the last 12 years spent my time as a chapter 1 teacher or in a chapter 1 school. I believe that flexibility is necessary and I believe that it is what will allow us to put the child first, whether we are looking at service delivery models, or whether we are talking about whether a child is a resident in a chapter 1 school or is attending a chapter 1 school and we are trying to determine whether we can provide them with services or not.

When we talk a lot about pullout programs, the reason that that happens is because we have to keep such careful time and effort records to make sure that, as chapter 1 teachers, we are only providing incidental services to children that are not chapter 1 identified. And that kind of record keeping and attention to that separation will cause—and I see as I have traveled around the State, it is still causing teachers—even those who are trying to provide in-class models of chapter 1 instruction, they are still pulling children out to the back of the classroom to provide that instruction, because they are limited by the back that they can only see those chapter 1 children or just a few of the others. And that needs to change.

The total school projects offer a model for us that is just fantastic in a teacher's ability to reach the needs of children and design that delivery of service around the needs of the children. Being able to be more flexible about the identification of total schoolwide projects will, I think, eliminate a lot of the problems. Being able to perhaps lessen the amount of children eligible you need to do that, I think would help a lot.

Evaluation programs based on student assessment is another area that just needs a tremendous amount of flexibility and change. We have been making decisions about how effective we are based on one test score, by and large, and that is a system that is just, at the very very least, an inaccurate picture. I believe that we need multiple evidences of achievement, and I believe that chapter 1 teachers are not at all interested in not being accountable. In fact, I believe we want accountability. We want to know that our children are learning and that we are meeting their needs. And we want that to be real, not artificial or in part.

PREPARED STATEMENT

I know that I have not a lot of time, but I want to say that our State agency, our State chapter 1 agency, has gone a long way in encouraging chapter 1 projects and programs to be part and parcel of our school restructuring, but they can only go as far as the law allows. And sometimes in our local buildings and districts we are still worried about old forms and old regulations. And just the act of a Federal flexibility change, just saying that, I believe, will free local agencies to believe the State and to believe the Federal Government that we can look at old methods and make changes that are best for children.

I thank you, again, for allowing me to share my thoughts.

Senator HATFIELD. Thank you.

[The statement follows:]

STATEMENT OF CAROL TALLEY

My name is Carol Talley. I am from Salem. When my daughter, Jackie, was in the third grade she was identified as learning disabled. Labeled as a handicapped learner, she was entitled to special education services. Nearly every day for the next two years, she was pulled out of her regular classroom for this help. By the time she was in sixth grade her literacy skills had improved to the degree that she no longer qualified to receive special education, but she did qualify for Chapter 1. For thirty minutes, four days each week, Jackie left her sixth grade classroom to go to the Chapter 1 room for supplemental reading instruction. Jackie was quiet, shy, and extremely sensitive about her need for extra help. The "system" helped build her reading skills, but it also labeled and separated her throughout her elementary school experience. Jackie is an adult today, but she has never overcome the feelings of frustration and shame that she experienced as a labeled student.

The need to separate, categorize and label children in order to keep separate the funding source for service (e.g., Alternative Ed, Chapter 1, Migrant Ed, Indian Ed, Bilingual Ed, etc.) is one example of why greater flexibility in federal education programs is necessary.

It was during my experience as a Chapter 1 parent that I made the decision to become a public school teacher. Since 1982, I have worked as a classroom teacher in a Chapter 1 school, as a Chapter 1 teacher/coordinator in a small school district in rural Oregon, and as a Chapter 1 teacher for Salem-Keizer School District. I am a reading specialist and currently president of Capital Reading Council, the local affiliate of the International Reading Association. Last spring I was selected as one of the six Distinguished Oregon Educators and have been on leave from my classroom at Parrish Middle School in Salem to work with the Oregon Department of

Education on the implementation of HB 3565, the Oregon Educational Act for the 21st Century. Chapter 1 is included in Oregon's vision for restructured education.

As a Distinguished Oregon Educator, I have had the unique opportunity to travel across the state. I have learned so much from and alongside my colleagues in the field. Through these experiences, I have had confirmed what I suspected: there are times when regulations prevent teachers from doing what they know is best for children.

Student selection issues

At the present time, students who qualify to receive Chapter 1 services must reside in the attendance area of a school that receives Chapter 1 funding. Flexibility around this issue of student selection would be of tremendous value. I would like to share situations which highlights this need.

There are a number of students in Salem who live near the mushroom plant, a place of local employment for many of our migrant families. Children who live in this neighborhood are in a school attendance area that is not a Chapter 1 Basic Skills project. Because many of these children qualify for bilingual education services available at other Salem schools, they are bused rather than participating at their school of residence. Even though these students may need and qualify for Chapter 1 services, unless they attend a Chapter 1 school that is a school-wide project, these students cannot participate in the Chapter 1 program because they do not reside in a Chapter 1 school attendance area.

Eugene provides another example. It has implemented a program of school choice. Consequently, Eugene School District is faced with the same type of dilemma. Flexibility should allow districts to look at what is in the best interest of the child first, then determine whether residency or attendance is the identifying factor.

Chapter 1 instructional delivery

The flexibility available to teachers who provide instruction within a Chapter 1 school-wide project provides a model of what is needed for all Chapter 1 projects. At Highland Elementary School, a Chapter 1 school-wide project in Salem, teachers are able to look at the needs of the child and decide whether or not the child would benefit from instruction as part of the whole group, a flexible small group, or as an individual. In a school where some children are identified as "Chapter 1" and others are not, time and effort records must be maintained to insure that Chapter 1 money is being spent on Chapter 1 instruction. The Chapter 1 teacher must be careful to provide only "incidental services" to those children who are not identified at Chapter 1.

Although pull-out programs are no longer the "model of choice," they still exist across the state, primarily because they lend themselves to a clean division of funds. It is too easy to let the administration of funds dictate the method of instructional delivery. We must place the child at the center of every instructional decision. Flexibility with regard to "incidental services" would be of tremendous benefit to children.

I would like to emphasize that removing small groups of children from the classroom for short periods of instructional time is not the issue. It may be entirely appropriate to "pull out" a child or a small group of children for some specific instruction. However, this practice should be tempered by the needs of the children involved. It is labeling children and removing them (and them alone), on a regular, on going basis that causes stigma and dismay.

Total school projects

The teachers with whom I have spoken who are involved in school-wide projects say that this total effort to improve education among these extremely low income areas just makes sense. The flexibility that is built into this model should be available to all Chapter 1 schools. Allowing the state agency to lower the qualifying percentage of free and reduced lunch at the elementary school level from 75 percent to 50 percent would allow more districts to use their Chapter 1 funds in this way. This would, in and of itself, provide tremendous flexibility. Schools that demonstrate a need for an all day kindergarten program, for example, or an early childhood program for children three and four years of age, could do so through the pooling of funds as a school-wide project.

Using free and reduced lunch as a means of targeting middle and high schools for services is not as clean a process. Adolescents often choose to skip lunch or bring their own rather than to submit the free or reduced application. I have heard young people (while registering for school) place tremendous pressure on their parents not to fill out the forms. I have heard from others that they conveniently lost the application someplace between home and the office. A matrix of qualifiers for upper grades might be wise. In addition to free and reduced lunch, other data such as

school profile information including mobility rates, ESL percentages, academic ranking of the school, may provide a more realistic picture.

Generally speaking, the Chapter 1 school-wide project has many advantages of flexibility. The school-wide projects with which I am familiar have been able to develop outstanding parent involvement programs. This pooling of funds just makes sense.

All qualified children in school-wide projects are benefiting from Chapter 1. By contrast, at my school, where there is a Basic Skills program only, I am able to provide services to a small percentage of the students who qualify. Encouraging the development of school-wide projects would tend to place funds where they are needed the most, in areas that serve the poorest of the poor.

Maintenance of effort

Oregon schools are in a precarious position regarding maintenance of fiscal effort due to the passage of Measure 5. To reduce Chapter 1 allocations (which are intended to offset the negative effects that poverty has on the educational opportunities for children) in a time of financial cutbacks is antithetical to the purpose. It reminds me of the practice of suspending children from school for three days because they skipped school for one. If the purpose is to encourage school attendance, the punishment and the infraction are too similar. Cutting compensatory funds for students who will be most adversely affected by other cuts in basic school support is absurd. Flexibility will allow exceptions to exist where they are appropriate and still safeguard the supplemental intent of the dollars.

Student assessment and program evaluation

There are two areas in which the need for flexibility stand out concerning assessment and evaluation: one of those areas deals with the data collection cycle, and the other with the data collection itself.

Schools no longer have the flexibility to select the fall-to-spring option for evaluation of student achievement. Reporting must be done fall to fall or spring to spring. In some schools these options work fairly well. In other schools, this presents not only great difficulties in test administration, but also a blurry picture of the effect of Chapter 1 and student achievement. The examples I am sharing are simply indicative of problems faced by many schools in similar situations.

Example from Diane Walworth, Chapter 1 teacher at Chenowith Elementary School, The Dalles

Ben was not a student here for his first grade experience. As a second grader he is included in my Chapter 1 group. He does super well, and at the end of the year I test him and exit him at grade level. The next year, he is not in Chapter 1, so for evaluation purposes, I don't have a post test score for him. I could give him a post test for comparison (like sustained gains), but if his third grade teacher is a poor teacher—or a really super teacher—I would be evaluating the effectiveness of my teaching and program on the basis of that teacher's level of effectiveness.

In addition, using the spring-to-spring method, only unsuccessful students are measured. Successful students leave the program and don't have post-test scores. This is a real problem when using certain models, where 75–80 percent of the students exit at grade level. High mobility populations result in few complete pre- and post-test scores when administered spring-to-spring. Out of 15–20 second graders, perhaps only 5–7 will have both a pre- and post-test score.

Example from Pendleton School District

When students enter the Chapter 1 middle school they come from a number of "feeder schools," not all of which are Chapter 1 projects. Even among Chapter 1 elementary schools, there are no sixth grade students receiving Chapter 1 instruction. Students enrolled in the Chapter 1 program for seventh grade have no "pre-test" scores for the purpose of evaluation. The Chapter 1 coordinator requested that the district administer a standardized test to all of its sixth graders in order to have selection and evaluation criteria. This is costly in more than one way. Without this data, however, the Chapter 1 seventh grade program actually reduces the positive effect of the normal curve equivalent gains. Students in seventh grade receive instruction all year, then take the "pre-test."

Students who have done well move to the regular program and are not in the post-test group. Even the students who remain have scores which are reflective of a year of Chapter 1 intervention strategies but which are hidden in the "pre-test" levels. In this situation, Pendleton is caught between costly and time consuming testing of an entire class of students or having Chapter 1 data that inaccurately reflects the impact of the middle school program.

Example from Parrish Middle School in Salem

Faced with a similar spring-to-spring testing problem, Salem-Keizer Chapter 1 is moving to the fall-to-fall option for its secondary projects. In order to provide post-test data for our graduating eighth graders, next fall I must be released from school, go to North Salem High (which is not a Chapter 1 project) where my eighth graders will be entering ninth grade. I will have to request that they be released from their classes, and administer the California Achievement Test (CAT) which we use for program evaluation. Students at that age are embarrassed to have the Chapter 1 teacher from their "past" invading their territory as high school students—let alone what the interruption in their school day does to the education process. Somehow I have to convince these students that they should be willing to spend this time doing what they dread the most—taking a reading test—and do their very best because this is important. Important to whom? Certainly not these ninth grade students. The flexibility to use a fall-to-spring testing model for those students just makes sense.

In addition to the testing cycle issue, the assessment data itself is in need of considerable flexibility. We do not select students for Chapter 1 services based on a single test score, yet, we assess student achievement for the purpose of program evaluation based primarily on one measure. Somehow this seems unwise.

Teachers across the state complain that the objective tests traditionally used are designed to assess student achievement in discrete reading and math skills—those aimed at knowledge and comprehension level thinking. Schools today are moving into instructional methods that challenge much high level thinking skills. Our Chapter 1 students deserve instruction that promotes thinking in a diverse manner about issues, encouraging analytical and critical thinking. Even though these skills are more complex, not all students are able, when given a standardized multiple-choice test, to revert back to simple, concrete answer responses. This takes some instructional time to practice. Last year, I took time from our literature studies to help my eighth graders prepare for the upcoming California Achievement Test by using specific skill materials that contain short reading selections and require students to select one correct response. Adam (who had just successfully completed reading Dies Drear, a complex novel for young adults written by Virginia Hamilton) did very poorly on these recognition level lessons. Going over his incorrect responses, Adam exploded with his opinion that it was a waste of time to "pick an answer" that prevented him from using critical thinking skills or consider varying points of view. All year long I had challenged him to think creatively. Surely I should not have spent all year teaching him skills to be successful reading short selections and choosing one answer responses.

Evaluation data should be based on multiple evidences of achievement. Flexibility which would allow state agencies to develop assessments that parallel contemporary instruction constitutes good educational practice.

Another area of flexibility regarding assessment and evaluation that just makes sense is building into Chapter 1 accountability a matrix sampling formulated from state assessment data. As states move to align with the national goals for education and national assessment standards and procedures, it seems unnecessary to duplicate these efforts by double testing for federal programs. The time spent in Chapter 1 measuring and getting ready to measure does little to promote academic growth—a child doesn't grow taller by constantly being measured.

Closing comments

Changes have already occurred from the federal level that encourages schools to try new models for Chapter 1 instruction. But it isn't enough. Our Chapter 1 state agency has made every effort to move districts and schools into including Chapter 1 as part and parcel of their restructuring plans. This agency has been as flexible as the law allows. Just the enactment of federal legislation calling for flexibility will help send the message to districts that it's time to reexamine old methods. Times are changing. The needs of families are changing. If Chapter 1 is to continue to be effective it must change, as well. Chapter 1 needs to be flexible within the context of today's education system.

Chapter 1 has been an important part of my life. I am grateful for the help my family received as recipients of the program. I treasure my experiences as a Chapter 1 teacher. Thank you for allowing me the opportunity to present this testimony.

STATEMENT OF JOE SIMON

Senator HATFIELD. Mr. Simon.

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Mr. SIMON. Thank you, Senator Hatfield, Congressman DeFazio, Superintendent Paulus. To me it is very interesting, teaching special education as long as I have, to kind of see the pendulum swing. Because when we introduced Public Law 94–142 in the early seventies, there was a great debate over the noncategorical model of delivering service versus the categorical model of delivering service.

And I am encouraged by the legislation that is both introduced in Senate bill 525 as well as the House resolution that has the same flexibility in it, because I think we need to look toward that flexibility. We support the concept of flexibility, especially from the standpoint that research definitely looks at the fact that school change is necessary to begin at the grassroots level and at the school level. Looking at the bills and looking at what is there, the concept of appropriate service for young people and not necessarily a predetermined categorical model to deliver the service is very important.

One of the things that I think is very important is that focused delivery, especially on the service, in the categorical model tends to focus on preoccupying staff members with determining whether students can receive the service. An inordinate amount of time is spent in that particular arena. There is an inordinate amount of time, in my opinion, of delaying service to students.

And also sometimes I have looked at special education in particular as an exclusionary model, not an inclusionary model. Our methods of allowing kids to get into a categorical model are not trying to find out if they can get in; they are trying to find out if they should be in. And that has always bothered me as a teacher of students with special needs, because I think what we need to focus on is the needs of the student and the service, then, should follow those needs, regardless of whether they meet some particular standard or category.

As we look at developing the flexibility that is mentioned in this legislation, I think it is also important, though, that we remember why categorical models were delivered in the first place. I know some of your earlier discussions mentioned that, and I think it is very important, as a professional, that we ensure that students who do have special needs receive the services that they are supposed to receive.

I have a dilemma with that, because you asked someone else earlier the question of how can you do that, and I am not sure I have the answer. I do have the answer from the standpoint that I think programs in schools can be measured. What I worry about is the individual student who can fall through the cracks simply because it may look like they have achieved, but may have not achieved at the level that maybe we would like to expect or that the teacher would like to see it delivered.

PREPARED STATEMENT

The other concern I have is hopefully as we do this, that the resources are placed in an appropriate fashion. I think it is very important as we go to an inclusionary model or a noncategorical model where we are placing students in the mainstream and trying to use resources to enhance the ability of all students to receive appropriate services, that we look at lower class sizes and that we

have appropriate resources for the classroom teacher to provide what I would consider the special services that are needed for the classroom teacher to ensure that students are meeting their needs.

Thank you.

Senator HATFIELD. Thank you, Mr. Simon.

[The statement follows:]

STATEMENT OF JOE SIMON

Senator Hatfield, members of the committee, I am Joe Simon a special education teacher in Beaverton, Oregon and I am testifying at the request of the Oregon Education Association. I am testifying in favor of the concept of flexibility proposed in S. 525, and expressed in HR 92 and HR 453.

Education reform is needed in American schools and schools must have increased flexibility to try new programs and meet the increasing educational and social needs of our young people. S. 525 is a first step in opening the door for flexibility and is supported for the following reasons:

—It supports the research that effective change must be school-by-school and not mandated by a central authority.

—It supports the need for local schools to have the resources to facilitate change and school-by-school reform.

—It supports the concept of using funds for appropriate service to young people and not necessarily in a predetermined, rigid, "categorical" model.

—It focuses on assessing outcomes, not predetermining "how" the professional educator must deliver service—leaving that flexibility to the local school and the professional educator.

—It ensures not only an evaluation of the impact on student performance when local schools take advantage of this legislation, but the evaluation of the effect of the legislation itself.

—It focuses on delivery of service, not preoccupying staff members with the tasks of justifying eligibility for services. In addition, it eliminates some of the micromanaging on the input side that is wasteful, unjustified, and often harmful since it involves delays in providing help to children.

However, as much as teachers support the concept of flexibility, we also have a professional obligation to ensure that individual student needs are met and that changes are focused on real, not perceived problems. As this legislation moves forward, we ask that members of this committee work to ensure the final bill provides that students with special needs do not lose service, but gain service.

As stated by Carl Bereiter at the Ontario Institute for Studies in Education: "For any sort of learning, from swimming to reading, some children learn with almost no help and other children need a great deal of help. Children whom we have labeled educationally disadvantaged are typically children who need more than the ordinary amounts of help with academic learning. Why they need help is open to all sorts of explanations. But, suppose that, instead of opening that issue, we simply accept the fact that youngsters vary greatly in how much help they need and why."

That all students make appropriate educational progress, not just special needs students.

That appropriate resources to meet the special needs of individual students be readily available to the classroom teacher before "non-categorical" or "inclusionary" practices are mandated.

That as students with special needs begin to be served in "non-categorical" models, smaller class sizes are established to enable the classroom teacher to meet the needs of all students and that teachers have access to ongoing, appropriate staff development.

As found in "A Description of Chapter 1 Schoolwide Projects and Effects on Student Achievement in Six Case Study Schools" (Center for Research on Effective Schooling for Disadvantaged Students, The John Hopkins University).

* * * Students' reading scores at one school rose six percent and their math scores rose ten percent * * *

Schools in this study used their Chapter 1 funds in a number of ways. They lowered their teacher-student ratio in math and reading by adding another teaching position, eliminated split grade classes, and cut out "pull-out classes" by providing instruction within the regular class.

The increased reading and math scores signal that these changes are making a difference in the education of Chapter 1 students. But, in order to sustain ongoing improvement in these schools, school districts must invest heavily in human resources and staff development, say the researchers.

Or as supported by data from a Texas study (Mythology and the American System of Education, Phi Delta Kappan, April, 1993) which shows: * * * in grades 1 through 7, once class size exceeds 18 students, each student over that number is associated with a drop in district academic achievement. This drop is estimated to be very large—perhaps 35 percentile ranks on standardized test—between a class size of, say, 25 and a class size of 18.

That schools need "real" additional funds to support mandates, as well as the flexibility in how to utilize the funds in a way to best meet the needs of young people.

Before reforms of this magnitude are implemented, it is important that all of us working to ensure that our school systems meet the needs of young people consider:

The reason "categorical" programs and special education/Chapter 1 type programs were established in the first place—to ensure that students with special needs were given an appropriate education and that districts were held accountable for such service. That the services "were special" to meet the "special" needs of the identified students.

That America spends less than the average industrial nation on K–12 education. We rank 9th among 16 industrialized nations in per-pupil expenditures for grades K–12, spending 14 percent less than Germany, 30 percent less than Japan, and 51 percent less than Switzerland. (Mythology and the American System of Education, Phi Delta Kappan, April, 1993).

That, as suggested by Margaret Wong, et al, from Temple University, it is time to consider reforming all categorical programs in ways that involve general education programs as well. And ask, can we be successful in meeting the needs of all students if only some categorical models are changed?

I want to thank you for providing this opportunity for teachers in Oregon to testify on such an important issue. I ask that you support the concept of local schools having flexibility in utilizing funding for educational programs and that you consider the aforementioned concerns as you work to approve this legislation.

STATEMENT OF DOUGLAS MAHURIN

Senator HATFIELD. Mr. Mahurin.

Mr. MAHURIN. Senator Hatfield, Congressman DeFazio, Superintendent Paulus, I would like to thank you for the opportunity to speak in support of the Education Flexibility Act.

As Oregon's school districts implement the components of the Twenty-first Century Schools Act, it becomes increasingly apparent that the regulations tied to Federal programs are presenting roadblocks to innovative educational programs. I would like to, at the risk of appearing to be redundant, cite some specific examples I think that have been alluded to earlier in previous testimony.

One example: We have several employees funded from as many as three sources, two of which may be funded by Federal programs. Instructional assistants who work with limited English speaking students must first check to see if they can serve the student and then document the time they serve that student. In addition, they must keep a detailed record of each type of service provided to that student, time increments of 6 minutes for some students and 8 minutes for others, with different maximums depending on the last time the student moved.

One assistant at the high school carries a 4 inch thick binder with a page for each of the students that he can serve. In the time it takes to record this detailed information, he could serve several more students. He may be working on a specific concept or skill from which all students in the class could benefit, but due to Federal regulations he must exclude students not identified as eligible for service. Again, an inequitable and inefficient educational delivery model, based on Federal payroll compliance rather than teacher expertise and student need.

Chapter 1 teachers are not allowed to serve students other than those identified as chapter 1 eligible. This is termed incidental service and students can only be served a few days or class periods. Then service must be discontinued because the district would be out of compliance and found guilty of supplanting. Even if the need still exists, Federal regulations prevent further service.

As we progress to developmentally appropriate practices and multiage groupings, teachers are moving away from the pullout model to an inclusion model where the chapter 1 funded teacher works in the classroom. It will be extremely difficult, as well as inefficient, to exclude other students within that regular classroom who may have the same needs but do not qualify for the program.

The same problems are evident within chapter II bloc and Perkins vocational grants. The purpose of these programs is to assist special populations, but the criteria for defining the population as well, as the methods for monitoring and evaluating results, conflict with each other.

Federal regulations even restrict equipment purchases and who may use the equipment. Nine computers were recently purchased for a program in our district. Federal regulations restricted the use of the computers exclusively to students eligible for that program. The computers could not be accessed by other students, nor could they be placed in the computer lab. In a time of declining resources, it appears to be more equitable to place the computers where all students may use them and benefit from peer tutoring and a lab environment.

Assessment, accountability, and educational gains are terms synonymous with Federal programs. I agree, districts must be held accountable for attaining program goals and for student achievement, but I feel the time has come to review the types of assessment instruments currently required to evaluate student progress. Chapter 1, for example, requires students to achieve a minimum 3.0 NCE gain, or percentile gain, as determined by a standardized test.

School districts in Oregon are moving away from standardizing testing below the third grade and implementing statewide assessment at grades 3, 5, 8, and 10 throughout the State. Portfolio assessment, levels testing, developmentally appropriate checklists, and authentic assessment are being used as an alternative method of evaluating student achievement. Success or failure of a chapter 1 program should not be based on a predetermined set of numbers derived from a standardized test having a 16-percent correlation to what was taught and administered to 6-, 7-, and 8-year-old children.

Eligibility requirements for certification into the Chapter 1 Migrant Program and Migrant Indian Coalition Head Start Programs appear to have conflicting goals. Chapter 1 migrant eligibility is determined by the family's reason for moving to an area and is based on work in agriculture or fishing. Once a family has been certified eligible for the program, they may receive services for 6 years. One of the goals of the migrant education is to improve and maintain regular attendance in school.

However, MIC Head Start requires a family to move out of the area for 2 consecutive months once every 9 months to remain eligible for migrant child care and Head Start services. When the MIC

eligibility runs out, families leave the area and disrupt the attendance of students in regular K through 12 programs. Federal regulations put migrant families in a catch-22 situation, as they must move to keep their eligibility or be faced with child-care bills which they cannot afford. Either way, migrant students are at risk.

In conclusion, I feel Oregon is well on the way to establishing an educational model that will assure excellence and equitable educational opportunities for all students, enabling them to achieve their goal of being the best educated citizens in the Nation by the year 2000.

PREPARED STATEMENT

In order for our schools and students to achieve this goal, it is imperative that the Federal Government take two steps. One, continue to support our efforts in education reform. And two, when regulations create barriers, allow districts to apply for waivers, thus allowing schools, teachers, students, and parents control over their programs.

Thank you.

[The statement follows:]

STATEMENT OF DOUG MAHURIN

MY NAME IS DOUG MAHURIN. I AM AN ELEMENTARY PRINCIPAL REPRESENTING THE CONFEDERATION OF OREGON SCHOOL ADMINISTRATORS AND HOOD RIVER SCHOOL DISTRICT.

HOOD RIVER IS LOCATED APPROXIMATELY 60 MILES EAST OF PORTLAND ON THE COLUMBIA RIVER AND THE SCHOOL DISTRICT SERVES APPROXIMATELY 3400 STUDENTS.

I AM HERE TO SPEAK IN SUPPORT OF SENATOR HATFIELD'S EDUCATION FLEXIBILITY ACT. AS OREGON SCHOOL DISTRICTS IMPLEMENT THE COMPONENTS OF THE 21ST CENTURY SCHOOLS ACT, IT BECOMES INCREASINGLY APPARENT THAT THE REGULATIONS TIED TO FEDERAL PROGRAMS ARE PRESENTING ROAD BLOCKS TO INNOVATIVE EDUCATIONAL PROGRAMS.

PLEASE ALLOW ME TO CITE SOME SPECIFIC EXAMPLES OF THE TYPES OF OBSTRUCTIVE REGULATIONS WE ENCOUNTER AT THE LOCAL LEVEL ON A ROUTINE BASIS.

WE HAVE SEVERAL EMPLOYEES FUNDED FROM AS MANY AS THREE SOURCES, TWO OF WHICH MAY BE FUNDED BY FEDERAL PROGRAMS. INSTRUCTIONAL ASSISTANTS WHO WORK WITH LIMITED ENGLISH SPEAKING STUDENTS MUST FIRST CHECK TO SEE IF THEY CAN SERVE THE STUDENT AND THEN DOCUMENT THE TIME THEY SERVE THAT STUDENT.

IN ADDITION THEY MUST KEEP A DETAILED RECORD OF EACH TYPE OF SERVICE PROVIDED TO THAT STUDENT. TIME INCREMENTS ARE 6 MINUTES FOR SOME STUDENTS AND 8 MINUTES FOR OTHERS WITH DIFFERENT MAXIMUMS DEPENDING ON THE LAST TIME THE STUDENT MOVED.

ONE ASSISTANT AT THE HIGH SCHOOL CARRIES A 4-INCH THICK BINDER WITH A PAGE FOR EACH OF THE STUDENTS HE CAN SERVE. IN THE TIME IT TAKES TO RECORD THIS DETAILED INFORMATION HE COULD SERVE SEVERAL MORE STUDENTS.

HE MAY BE WORKING ON A SPECIFIC CONCEPT OR SKILL FROM WHICH STUDENTS IN THE CLASS COULD BENEFIT, BUT DUE TO FEDERAL REGULATIONS HE MUST EXCLUDE STUDENTS NOT IDENTIFIED AS ELIGIBLE FOR SERVICE.

AGAIN AN INEQUITABLE AND INEFFICIENT EDUCATIONAL DELIVERY MODEL, BASED ON FEDERAL PAYROLL COMPLIANCE RATHER THAN TEACHER EXPERTISE AND STUDENT NEED.

CHAPTER I TEACHERS ARE NOW ALLOWED TO SERVE STUDENTS OTHER THAN THOSE IDENTIFIED AS CHAPTER 1 ELIGIBLE. THIS IS TERMED *'INCIDENTAL SERVICE'* AND STUDENTS CAN ONLY BE SERVED A FEW DAYS OR CLASS PERIODS. THEN SERVICE MUST BE DISCONTINUED BECAUSE THE DISTRICT WOULD BE OUT OF COMPLIANCE AND FOUND GUILTY OF SUPPLANTING. EVEN IF THE NEED STILL EXISTS, FEDERAL REGULATIONS PREVENT FURTHER SERVICE.

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AS WE PROGRESS TO DEVELOPMENTALLY APPROPRIATE PRACTICES AND MULTI AGE GROUPINGS, TEACHERS ARE MOVING AWAY FROM THE PULLOUT MODEL TO AN INCLUSION MODEL WHERE THE CHAPTER 1 FUNDED TEACHER WORKS IN THE CLASSROOM. IT WILL BE EXTREMELY DIFFICULT AS WELL AS INEFFICIENT TO EXCLUDE OTHER STUDENTS WITHIN THAT REGULAR CLASSROOM WHO MAY HAVE THE SAME NEEDS BUT DO NOT QUALIFY FOR THE PROGRAM.

THE SAME PROBLEMS ARE EVIDENT WITHIN CHAPTER II BLOC AND PERKINS VOCATIONAL GRANTS. THE PURPOSE OF THESE PROGRAMS IS TO ASSIST SPECIAL POPULATIONS BUT THE CRITERIA FOR DEFINING THE POPULATION AS WELL AS THE METHODS FOR MONITORING AND EVALUATING RESULTS CONFLICT WITH EACH OTHER.

FEDERAL REGULATIONS EVEN RESTRICT EQUIPMENT PURCHASES AND WHO MAY USE THAT EQUIPMENT. NINE COMPUTERS WERE RECENTLY PURCHASED FOR A PROGRAM IN OUR DISTRICT. FEDERAL REGULATIONS RESTRICTED THE USE OF THE COMPUTERS EXCLUSIVELY TO STUDENTS ELIGIBLE FOR THAT PROGRAM. THE COMPUTERS COULD NOT BE ACCESSED BY OTHER STUDENTS NOR COULD THEY BE PLACED IN THE COMPUTER LAB.

IN A TIME OF DECLINING RESOURCES, IT APPEARS TO BE MORE EQUITABLE TO PLACE THE COMPUTERS WHERE ALL STUDENTS MAY USE THEM AND BENEFIT FROM PEER TUTORING AND LAB ENVIRONMENT.

ASSESSMENT, ACCOUNTABILITY AND EDUCATIONAL GAINS ARE TERMS SYNONOMUS WITH FEDERAL PROGRAMS. I AGREE DISTRICTS MUST BE HELD ACCOUNTABLE FOR ATTAINING PROGRAM GOALS AND FOR STUDENT ACHIEVEMENT BUT I FEEL THE TIME HAS COME TO REVIEW THE TYPES OF ASSESSMENT INSTRUMENTS CURRENTLY REQUIRED TO EVALUATE STUDENT PROGRESS. CHAPTER 1, FOR EXAMPLE, REQUIRES STUDENTS TO ACHIEVE A MINIMUM 3 POINT NCE GAIN (OR PERCENTILE) AS DETERMINED BY A STANDARDIZED TEST.

SCHOOL DISTRICTS IN OREGON ARE MOVING AWAY FROM STANDARDIZED TESTING BELOW THE THIRD GRADE AND IMPLEMENTING STATEWIDE ASSESSMENT AT GRADES 3-5-8 10. THROUGHOUT THE STATE, PORTFOLIO ASSESSMENT, LEVELS TESTING, DEVELOPMENTALLY APPROPRIATE CHECKLISTS AND AUTHENTIC ASSESSMENT ARE BEING USED AS ALTERNATIVE METHODS OF EVALUATING STUDENT ACHIEVEMENT.

SUCCESS OR FAILURE OF A CHAPTER 1 PROGRAM SHOULD NOT BE BASED ON A PREDETERMINED SET OF NUMBERS DERIVED FROM A STANDARDIZED TEST HAVING A 16% CORRELATION TO WHAT WAS TAUGHT, AND ADMINISTERED TO 6,7 & 8 YEAR OLD CHILDREN.

ELIGIBILITY REQUIREMENTS FOR CERTIFICATION INTO THE CHAPTER 1 MIGRANT PROGRAM AND MIGRANT INDIAN COALITION HEADSTART PROGRAMS APPEAR TO HAVE CONFLICTING GOALS.

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CHAPTER 1 MIGRANT ELIGIBILITY IS DETERMINED BY THE FAMILIES' REASON FOR MOVING TO AN AREA AND IS BASED ON WORK IN AGRICULTURE OR FISHING. ONCE A FAMILY HAS BEEN CERTIFIED ELIGIBLE FOR THE PROGRAM THEY MAY RECEIVE SERVICES FOR SIX YEARS. ONE OF THE GOALS OF MIGRANT EDUCATION IS TO IMPROVE AND MAINTAIN REGULAR ATTENDANCE IN SCHOOL.

HOWEVER, MIC HEADSTART REQUIRES A FAMILY TO MOVE OUT OF THE AREA FOR 2 CONSECUTIVE MONTHS ONCE EVERY NINE MONTHS TO REMAIN ELIGIBLE FOR MIGRANT CHILDCARE AND HEADSTART SERVICES. WHEN THE MIC ELIGIBILITY RUNS OUT, FAMILIES LEAVE THE AREA AND DISRUPT THE ATTENDANCE OF STUDENTS IN REGULAR K-12 PROGRAMS.

FEDERAL REGULATIONS PUT MIGRANT FAMILIES IN A CATCH 22 SITUATION AS THEY MUST MOVE TO KEEP THEIR ELIGIBILITY OR BE FACED WITH CHILD CARE BILLS WHICH THEY CANNOT AFFORD. EITHER WAY MIGRANT STUDENTS ARE AT RISK.

IN CONCLUSION, I FEEL OREGON IS WELL ON THE WAY TO ESTABLISHING AN EDUCATIONAL MODEL THAT WILL ASSURE EXCELLENCE AND EQUITABLE EDUCATIONAL OPPORTUNITIES FOR ALL STUDENTS ENABLING THEM TO ACHIEVE THEIR GOAL OF BEING THE BEST EDUCATED CITIZENS IN THE NATION BY THE YEAR 2000.

IN ORDER FOR OUR SCHOOLS AND STUDENTS TO ACHIEVE THIS GOAL IT IS IMPERATIVE THAT THE FEDERAL GOVERNMENT TAKE TWO STEPS:

ONE, CONTINUE TO SUPPORT OUR EFFORTS IN EDUCATIONAL REFORM.

TWO, WHEN REGULATIONS CREATE BARRIERS, ALLOW DISTRICTS TO APPLY FOR WAIVERS THUS ALLOWING SCHOOLS, TEACHERS, STUDENTS, AND PARENTS MORE CONTROL OVER THEIR PROGRAMS.

THANK YOU.

Senator HATFIELD. Thank you.

Ms. Talley and gentlemen, the statements you have made are very thoughtful and very helpful in this area, and I am delighted to receive your thinking.

Ms. Talley, you mentioned in your testimony, your written testimony, the need for program evaluation data to be based upon—I believe you called it multiple evidence of achievement. Would this create a great deal more work for teachers and would this benefit outweigh the additional effort, work, and complexity of the task?

Ms. TALLEY. The short-term answer to that is probably yes, it would create more work for teachers. But in my experience as a chapter 1 teacher, and in my experience this year visiting with chapter 1 teachers around the State, I know that the frustration that we all feel by the reporting system that we now have, that is based on one—by and large on one test score, is so frustrating because it seems to us to be an incomplete picture, at best, and sometimes not even a picture that adequately shows what we are teach-

ing, that I believe most teachers are going to be very willing to do what would be or could be additional work.

I also believe that eventually it makes really good sense to me that the chapter 1 accountability be a matrix sampling from our State assessment data. Our State is in the process right now of really putting together a complex but wonderful system of student achievement assessments, and I see no reason why in the long run, especially if our State agency were the responsible group for overseeing flexibility, why that reporting could not be part of that system.

And then in the meantime, I also feel like I need to make a plea for flexibility for some schools in some situations to be able to go back to the fall to the spring testing cycle, rather than being locked into fall to fall or spring to spring. Because that lends itself to another situation where we get inadequate and, in fact, incorrect pictures of how our children are achieving, based on information that just is not clearly defined by that cycle.

Senator HATFIELD. Thank you.

Mr. Simon, you have certainly a long distinguished career in special education as well as in other areas of education, and in your career you have dealt with the children who need the greatest personal attention. And also in this particular area there is a formidable Federal presence, as you are very much aware.

Although my bill in the Senate, in contrast to Congressman DeFazio's bill, does not extend waiver authority to programs for the disabled, there is still a clear possibility, that the bill ultimately will include a disabled provision. My question is, do you think that the safeguards in this legislation would adequately protect the interests of your students, or how would you improve the safeguards if we were to include this part of the waiver in our bill?

Mr. SIMON. One of the concerns I have when you enter into the students with special needs arena, I think a lot of times what you are dealing with is on an individual basis, not a programmatic basis. And I think that we, rather than at some time looking at an idea and saying let us throw out everything to achieve the goal of flexibility, that maybe what we need to do is look at the scope of a waiver.

And what someone would be looking at doing programmatically, if they are including special education kids or not, and try to ensure that maybe we phase some of the accountability out. Because I have some concerns in the arena of disabled students that what looks good as we plan it and what looks good as we begin to evaluate it sometimes does not work when we put it into practice in the classroom.

And I think we need to find a way to make sure that rather than allow that to go for a significant period of time, that there is some check in there to say is it really providing a service for the special needs student, and be able to have that check at a time so it does not exacerbate the problem by having the student be in a situation too long.

I abhor a lot of the stuff we do in special education to document, because I think that takes away a lot of time. If I had a simple way, I would have tried to bring that forward, and I really do not. But I think we can simplify the process, because I think we do a

lot of things that are redundant in the form process that are not necessarily good for students or good for the program. I think we repeat a number of things.

But I would like to see some type of a check, especially if we expand from the chapter 1 flexibility to other models.

Senator HATFIELD. Thank you.

Mr. Mahurin, as a school principal, the process of seeking approval for waivers, as well as assessing the results, will fall mightily on your shoulders. And I would ask you if you have any thoughts of how this process might be made simpler without endangering the integrity of the affected programs?

And has your school district asked for any waivers? And if so, how do you assess the impact of these? Sort of two in one.

Mr. MAHURIN. Senator, our district has requested a waiver and it has been—was granted, I should say. I believe it was 2 years ago. And the process was relatively easy, I should say, as far working with our State department of education, because of their support for the restructuring and the change, and realizing that there regulations out there that will hamper us in making the sort of changes that we need to make. I do not see that as being a major issue in Oregon.

Senator HATFIELD. Do you find the process not only accessible but efficiently administered?

Mr. MAHURIN. Yes.

Senator HATFIELD. It does not create that much more of a burden for you as an administrator.

Mr. MAHURIN. No; not at this point in time.

Senator HATFIELD. Well, you know, this is where, again, we at the Federal level oftentimes dash into areas where we do not take advantage of the track records that are established by the States and local governments. And, of course, not every State can look back home as Congressman DeFazio and I can, to a State where the leadership and the innovation and creativity is so distinguished, and, therefore, has an opportunity to offer us many insights and experiences so that we do not bumble through these efforts back in Washington.

Congressman DeFazio, do you have some questions?

Mr. DEFAZIO. I just want to reflect a moment on Mr. Simon's testimony. On page 2 of the written testimony you are talking about:

> That as students with special needs begin to be served in noncategorical models, smaller class sizes are established.

I could change the wording to almost—I think from hearing from you and Ms. Talley—to say "will need to be established."

I mean in Oregon, unfortunately, because there are funding problems, we are headed the other way. Now, if we make this change, we are almost—I mean in one way we have got the budget imperative, even with the flexibility. And on the other, it seems that this should be must or should.

I can understand very easily dealing with some of the physical sorts of things, the different rooms and the computers. But to get to the point of providing the instruction in the class that a special needs student might need, it seems to me you are not going to be able to do that in a class of 32 students. Do you want to reflect on that for a moment? Is my assessment correct?

Mr. SIMON. I agree with you, and I think we are caught in the dilemma about measure 5 impact on Oregon and bringing the educational system to where research says we should be to deliver appropriate services to students. And when you look at the magnitude of taking—of cost of taking the average class size from let us say 30 down to 18 or 15, it is tremendous. And that is the one of the reasons why I think that is something that we need to focus on and work on. But I am not sure that we can say everyone will have that, because I do not think at this particular point the financial resources are there to do it.

Professionally, though, I think if we are going to do an appropriate inclusionary model, that class sizes need to reflect the needs of the student. And I am not sure that all classes that are offered at all levels need to reflect the same size. I think, you know, I would say at the primary levels it is essential that class sizes are very small, or as small as possible.

But I also think if we look at developmentally appropriate practices, I think that secondary students and older students need to have appropriate class sizes to meet their particular needs also. But in some classes, they do not need to be as small as they would be in others.

Mr. DEFAZIO. That is a good thought. Ms. Talley, did you want to?

Ms. TALLEY. It is my belief that there is—that there is a difference between schools and school sites, too, in regard to how small or large the class size can or should be. And it is one of the reasons why I believe the success of total school, total schoolwide chapter 1 projects has been so great, because those are areas with high populations that are all special needs, and the program can be designed around those children and those needs. And it puts extra—the extra financial dollars there in those high-needs places, and I think that is just essential. And it is a good way to use the funds in a way that ensures that the neediest of the needy receive them.

Mr. DEFAZIO. Probably analogous to that would be the Whiteaker situation which was mentioned earlier, where you have that kind of focus because there is such high need with virtually all the students.

Ms. TALLEY. That is correct, yes.

Mr. DEFAZIO. OK, right. OK, thank you, Senator.

Senator HATFIELD. Thank you.

Ms. Paulus, do you have any questions you wish to pose?

[No response.]

Senator HATFIELD. Thank you, again, for your excellent statements.

Mr. SIMON. Thank you very much.

Mr. MAHURIN. Thank you.

Ms. TALLEY. Thank you.

STATEMENT OF DAVID GEIGER, PRESIDENT, OREGON SCHOOL BOARDS ASSOCIATION, SALEM, OR

ACCOMPANIED BY:

JIM CARNES, FORMERLY OF HOOD RIVER

DAVID CONLEY, PH.D., ASSOCIATE PROFESSOR, UNIVERSITY OF OREGON, EUGENE, OR

Senator HATFIELD. Mr. David Geiger is the president of the Oregon School Boards Association and a school board member of the Beaverton School District. He is currently the Deputy Director of Planning and Engineering Directorate, North Pacific Division of the U.S. Corps of Engineers here in Portland. He received his bachelors degree in civil engineering from Oregon State University.

Dr. Conley is currently an associate professor of education in the division of educational policy and management at the University of Oregon. He is a researcher and a consultant in school restructuring and has done extensive study of the effects of Oregon school reform acts. Under a grant from the U.S. Department of Education, Dr. Conley has been supporting the restructuring of nine Oregon schools.

His experience is not restricted to academia. After teaching junior and senior high schools for 7 years in California, Dr. Conley worked with the Colorado Department of Education and served as assistant superintendent in Fort Collins.

We are grateful again for the very distinguished citizens of our State with insights and knowledge of education as a part of our panel here this morning. Mr. Geiger, would you like to lead off?

STATEMENT OF DAVID GEIGER

Mr. GEIGER. Thank you, Senator Hatfield, Congressman DeFazio, Superintendent Paulus. I appreciate the opportunity to present some comments regarding Senate bill 525. It is my honor to represent some 2,000-plus elected school board members in my current position as president of the Oregon School Boards Association [OSBA], and it is a challenging opportunity in the time as we are initiating the 3536 and the kinds of reforms that we see in that bill.

We would like to wholeheartedly endorse the presentations that you have already received from the variety of speakers on the need for additional flexibility. It provides that opportunity to get the decisions down to the level that can make a difference. And as the individuals who were just on the panel previously, those people know what the issues are, they know what the needs are, and they can most directly affect the young people.

I want to comment on a couple of issues, and it is in my testimony, where I think there are some concerns, from our perspective, that could improve—ways that you can improve the legislation.

One of them speaks to the issue that you heard already from Ms. Woolley from the State department of education, from the board. The act, as written, centralizes the approval process at the Federal level, requiring approval of applications by the Secretary. We believe that the application process specified in the act should be streamlined to allow States to receive approval of the process and criteria they will utilize in approving the applications of schools through the local school districts. States have the approval, rather than the Federal level having the approval.

This would reduce the paperwork, the people, and the time required to process the applications, while still holding the States, the school boards, and local schools accountable for achieving the results specified in the applications. Again, we are talking about

the outcomes, not the process. If we are really concerned about the kids and the education, it is the outcome.

Senate bill 525 also provides authority for the Secretary to terminate a project and its associated waivers at any time. In order to reform educational practices, schools need more certainty for longer periods of time. When you put in there the provision at any time, there are some opportunities for individuals, at the whim of whatever issue, to terminate, and without some issue of what has been the outcome of that particular waiver or program.

We feel at this time, in reading the act, that there is an actual potential for increasing the paperwork required of school districts and schools, rather than reducing it. If reform is to take place, relief from paperwork requirements needs to accompany flexibility in how programs are implemented.

PREPARED STATEMENT

The act appears to place requirements on schools to provide documentation beyond that which is required currently for these categorical programs. Schools could opt not to participate if the paperwork requirements outweigh the flexibility gained through your act.

As I indicated when I started, we support the concept of flexibility. We think there are some opportunities to modify what is already in the bill to even improve it further. Thank you.

Senator HATFIELD. Thank you, Mr. Geiger.

[The statement follows:]

STATEMENT OF DAVID GEIGER

Schools across this Nation are attempting to create new and better ways to improve student performance. Oregon's Educational Act for the 21st Century provides schools with both the permission and the platform to restructure the way education takes place in our public schools. School boards recognize their responsibility to enable local schools to address their specific needs through site-based decision making and the coordination of available resources and services. Within this context of reform, restructuring and improvement, flexibility has become essential to achieving our national, state and local goals in education.

The Oregon School Boards Association supports legislation which establishes flexibility in the implementation of federally-funded categorical programs. We believe that if the purposes of S. 525 are achieved, all students will benefit from the creative solutions that will result in local school districts, schools and classrooms.

By waiving statutory or regulatory requirements for the categorical programs specified in this Act, educational reform will be promoted, leading to improved educational outcomes. School boards will be able to focus on establishing performance goals and program parameters for schools to use, as the schools create implementation strategies that meet their unique needs. This monitoring of outputs rather than inputs will promote the establishment of higher standards for all students, especially those who are disadvantaged.

If schools are provided with increased flexibility in the use of these resources, school boards and the state Department of Education can hold the schools accountable for achieving specific educational goals in exchange. School boards recognize that real educational reform occurs within individual schools. School staff, administrators and parents in each school must be given the authority and responsibility to make important decisions about how the school will operate. Removing statutory and regulatory requirements that may impede the ability of a school to reform its educational practices will result in coordinated services which address the goals of that school and the specific needs of its students.

Oregon school boards believe that they must enable school and program administrators, staff, parents, local educational agencies and community groups to collaborate in developing effective education programs that meet the needs of students. Providing educational flexibility in these categorical programs will assist schools in

creating new avenues of cooperation and collaboration among interested parties. If program and regulatory barriers are reduced, new alliances can be formed with the goal of working together to meet the needs of the students regardless of the source of the resource.

It is inconsistent to expect school districts to localize their governance structure at the school level; schools to reform the delivery of education to improve performance outcomes; but still require the same inflexible regulations of these categorical programs to be followed. The U.S. Department of Education has improved the flexibility of these programs and S. 525 would provide additional flexibility. The Oregon School Boards Association supports the increase in educational flexibility. The Act as written, however, centralizes the approval process at the federal level, requiring approval of applications by the Secretary. We believe that the application process specified in this Act should be streamlined to allow states to receive approval of the process and criteria they will utilize in approving the applications of schools through the local school districts. This would reduce the paperwork, people and time required to process the applications, while still holding states, school boards and local schools accountable for achieving the results specified in the applications.

S. 525 also provides authority for the Secretary to terminate a project and its associated waivers at any time. In order to reform educational practices, schools need long-term stability; more certainty for longer periods of time. This Act provides a three-year trial period with no long-term guarantees.

We feel that this Act actually increases the paperwork required of school districts and schools rather than reducing it. If reform is to take place, relief from paperwork requirements needs to accompany flexibility in how programs are implemented. The Act appears to place requirements on schools to provide documentation beyond that which is required currently for these categorical programs. Schools may choose not to participate if the paperwork requirements outweigh the flexibility gained.

My testimony has highlighted the governance and accountability issues that school boards face in relation to educational reform. The need for more flexibility in the categorical programs specified in this Act is evident. If school boards are going to effectively restructure education to achieve the national and state goals, new attitudes and new latitudes must be developed. Providing increased flexibility and reduced paperwork in these programs is one method to encourage new ways of looking at the delivery of education and related services. School boards should be in the business of establishing high standards for all students, then enabling the local schools to achieve those standards through the allocation of resources and flexibility in their implementation. If a real reduction in paperwork and long-term stability accompany increased flexibility, then S. 525 can contribute to the ability of schools and staff to more creatively and effectively meet the needs of all students, but particularly disadvantaged students, in attaining improved student achievement.

STATEMENT OF DAVID CONLEY

Senator HATFIELD. Dr. Conley.

Dr. CONLEY. Senator Hatfield, Congressman DeFazio, Superintendent Paulus, thanks for the opportunity to share with you. What I would like to do is take just a little different perspective than some of the other presenters and give you a sense about issues related to bringing about changing changes, how to make schools more flexible, how to enable schools to adapt. So our research looked at schools as a whole, rather than looking specifically at the issue of waivers, but I do believe that these issues are very closely interrelated.

What are the conditions, what are the circumstances under which schools are able to adapt rapidly, able to solve problems, able to improve their programs? We looked at the 2020 schools here in Oregon. You are familiar with that program; I have heard other people talking about it this morning.

I will not go into detail on that, but what we found, basically, is that these schools had the ability to define the problems that they felt were important in their school that needed to be addressed. And more importantly, they felt they had the ability to solve them.

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And that is probably the largest distinction you can make between those schools and many others.

One of the terms that is used to describe teachers at times, and others in large organizations, is the term street-level bureaucrat. Sociologists have identified this as kind of a phenomenon, where someone in an organization comes to define their job as basically interpreting rules and regulations rather than solving problems or delivering services. And there is a danger in education that teachers can become, or see themselves as street-level bureaucrats. That is certainly a problem, I think, or an issue for principals.

What we found is that teachers in these schools were able to see themselves more as managers, as leaders, than as bureaucrats. We found that the teachers and the principals and the community members together were collaboratively solving problems and creating solutions. And they were creating what we call nonstandardized solutions. And by that very name, what we intend to indicate is that the purpose was not to come up with one program or one answer that would work in 300 Oregon school districts. It is to come up with an answer that works at one site.

We have what we think to be very substantial evidence, and I think this backed up by researchers around the Nation, that schools have to be able to interpret and create meaning at the individual site, to say what works for them. Schools are cultures in some sense. Some are more functional than others, but in the sense that they are a culture, simply regulating a behavior or a procedure does not guarantee the outcome that one would necessarily want or desire from that.

So in that sense, these cultures need to be—to have the environment within which the standards are clear. This, I believe, is a key piece of the success of any deregulating type of an effort. Clear standards, and within that environment of standards you need clear accountability to achieve the standards.

Given those two factors, then there is the potential to allow significant divergence in the methods that one uses to achieve those standards. This is what we saw in those schools, we saw the beginnings of this process. I have to say that we certainly—there is a long way to go, and I do not want to put those schools on too much of a pedestal to say, hey, they have the answer. I think that is unfair to them. They have got a good start; they have a long way to go. I think most of them would agree with that.

None of them had requested specific waivers, but it was our belief that they were at about the point of needing to do that. They had done a lot of work getting to the point where they are saying we need to change how we allocate time, we need to change some of our certification issues. In other words, there was a whole series of questions that they were going to be raising, many of which I think will be able to be addressed through the 2001 waiver procedure and the State board's willingness and interest in doing that.

In that context, then, the ability to question or to examine other regulations becomes important. One of the things that we found in many schools is that some teachers or some principals or some community members can close off discussions of change very early on by simply invoking a law or a rule or a regulation and saying you cannot even talk about this.

So one of the great strengths of a law like this or a series of procedures is simply to keep the conversation going and keep it—to keep people engaged in saying can we change our institution, instead of having that closed off to them so early on by people who simply say this cannot be done.

The last comment I wanted to make was simply to say that within the law itself, I do have some suggestions for some language changes. I think that I would like—I am not going to go into it in great detail, but summarize them though.

PREPARED STATEMENT

When you talk about goals, I suggest you think about performance standards or learner outcomes. Goals, once again, imply that simply doing something is fulfillment of the obligation. If you switch to thinking about learner outcomes or high performance standards, you are talking then about student achievement more directly. I will not go into that in greater depth. I have gone ahead and taken the liberty to pen in some ideas. I would be glad to just share the copy of this with you later.

Thank you.

[The statement follows:]

STATEMENT OF DAVID T. CONLEY

The primary purpose of my testimony is to share evidence that when schools are able to develop their own solutions to problems in ways that make sense to them and implement those solutions at their site, true school improvement is much more likely to take place. My colleagues and I have studied the phenomenon of school improvement and educational restructuring in Oregon and throughout the nation, and have reached the conclusion that the solutions to the problems of today's schools will be diverse and site-specific, that teachers and principals hold the power to determine which changes in educational practice actually will occur at the level of the school and the classroom, and that efforts should be made to enable educators to create and implement these unique responses in schools.

To illustrate this point, I would like to describe the findings from several studies of Oregon's 2020 schools we conducted that demonstrate how these schools have been able to develop what we refer to as "nonstandardized solutions" to school restructuring. By nonstandardized we mean that individual school sites were able to develop solutions to problems they identified. These solutions were not imposed from above or outside the school system. In fact, the rest of the educational bureaucracy helped create the conditions that supported the development of these solutions, then wisely kept out of the way. While none of these schools requested a waiver from state or federal regulations as one of its strategies, their experiences are still informative of the needs schools have for decreased regulation, and of how schools take advantage of (or create) institutional flexibility to develop responses to educational problems that make sense to them and their communities. Furthermore, based on other research we have done at these sites, it is highly likely many of them will soon need waivers in order to continue to develop site-specific solutions to school restructuring.

The 2020 grant program was designed by the 1987 Oregon state legislature to foster educational innovation through professional development at the school site. Proposals had to be written and administered by teachers. Goal statements were an essential component of each proposal. Schools successful in the competition received grants of $1,000 per teacher, and had considerable latitude in how these funds could be spent. They were required to maintain a site team that included at least teaching and administrative staff to administer the grant. They were encouraged to include other school staff, parents, other community members, and students as well.

In one of our studies that was recently published[1] we analyzed the proposals from fifty-one "2020" grants distributed to Oregon schools for the 1990–91 school year. Through document analysis we identified a subset of 16 schools that had restructuring or site-based management as a primary goal. We arranged to conduct interviews at these sites during February, 1991. A researcher met with the principal or, in one case, the vice-principal, and separately with at least one member of the teaching staff who had been a member of the school site team. This person was usually the chair or past-chair of the site team. Interviewees were asked questions about the circumstances that had made the school ready for a school-wide improvement project; how decisions at the school were made and whether and how they may have changed in recent years; how the principal and others exercised influence; how the site committee(s) worked; how information was shared; and how the school vision had been developed and what impact it had on decision making at the school.

The first step in every one of these projects was the same. They were started by informal groups of staff who had something they wanted to do, believed that they could do it with some additional resources, had a principal who supported their efforts or created the conditions that favored the development of their ideas, and encountered a minimum of bureaucratic interference in spending their dollars in any way they saw fit.

Typically, these school people did not mention district interference in their programs, or any significant change in district policy to accommodate their program. We deduced from this that the district policy on decentralized decision making was at least open enough or distant enough to have little direct effect on these small site-based programs. In short, the teachers and the principals in these successful projects chose to act, and were allowed to do so, with minimal interference. Instead of failure, the high skills, high levels of motivation, and high energies directed toward the projects emerged in unique successful patterns. We saw evidence that small dollars can yield big outcomes—at least in those sites where staff are ready, the principal is supportive, some "vision" is shared, and the system does not get in the way.

In the final analysis, people—not reforms, regulations, or rules—are the key force in achieving change of any significant nature in schools. The people in these 2020 schools appear to be developing both the capacity and expectation to be involved centrally in determining the goals and conditions of their work. Schools where principals learn (or sense) how to work in concert with these expectations appear to be more capable of developing new conceptions of themselves, and taking the painful, and not immediately rewarding, steps necessary to move in those directions.

We have concluded that the key ingredient to these successful reform projects is that these school professionals had the skill and the opportunity to experiment with reform until they found a way that it made great sense for them. Their directions may have originally been rooted in someone else's "master plan" for reform, but they were quickly modified and re-modified to meet the idiosyncratic needs of the specific site. What is different about these successful projects from less successful reform efforts is that in these projects reform is real to the people implementing it. It is not an abstract concept, or mandated policy, or foreign program. In fact, we expect that these successful reformers can be just as capable as other school people of developing non-cooperative structures that could distance them from a mandated reform if they did not think that the mandate fit their site. And we ended up agreeing that this freedom to choose their path, combined with the ways and means to move along it, is why they were relatively successful in changing their practices. Only approaches that encourage voluntary independent activities will help schools create successful "nonstandardized solutions" to school restructuring. We think that this is critical for successful change and that deep change only occurs when nonstandardized solutions are not just tolerated but encouraged.

State and federal regulations can inadvertently prevent the very results they are designed to ensure. If school staff are disempowered and conditioned to being told what to do, they are less likely to develop the skills and inclination to solve their own problems. Regulations also provide a powerful tool for those who oppose any changes. They can evoke these rules or regulations to forestall almost every attempt at change. Very often ideas are shot down before they even get beyond the brainstorming stage because someone says: "We can't do that. It's against the rules." Schools are already highly bureaucratic organizations. As more and more rules accumulate at more and more levels, teachers become what sociologists describe as "street-level bureaucrats." One of their primary functions becomes interpreting the

[1] Goldman, Paul, Diane Dunlap, and David Conley. "Facilitative Power and Non-Standardized Solutions to School Site Restructuring." Educational Administration Quarterly. 29.1 (February, 1993): 69–92.

rules of the bureaucracy. Contrast this role with a member of a self-directed work team charged with achieving a goal, producing a product, or solving a problem. In this environment the worker is encouraged both to break and make the rules. The workers' perspective on work, and their sense of capacity to affect their work environment are greatly magnified. The organizational structure exists to support their efforts and remove barriers in their way.

Given the highly bureaucratic nature of schools currently, there appears to be less risk associated with loosening the regulations and procedures under which they operate. Particularly if schools can be held accountable for achieving goals, not just offering programs, the relaxation of regulations can serve to enhance, not decrease, accountability. Currently schools have merely to follow the rules and offer required programs in the manner specified by law. If these programs do not result in greater student learning, this is not the responsibility of the school; it has fulfilled its responsibilities by offering the program.

Is it likely that granting waivers will lead to abuses by schools, or their neglect of populations designed to be served or protected by particular rules? While there will always be the potential for abuse, schools have some built-in mechanisms that can help alleviate these concerns. Schools exist in neighborhoods and communities; they are not physically separated by thousands of miles, as a manufacturer of a product might be from its consumers. The idea of decreasing the regulation of schools is accompanied by an assumption that local schools will have governance mechanisms that allow greater access to policy making and goal setting and possible redress for concerns at the school site level. Furthermore, most districts have well-developed appeals processes and advisory groups much better than twenty or thirty years ago when many regulations were being written. And, finally, local boards of education are supposed to exist to watch over the interests of the community's young in the school system. Perhaps it is time to return them to such a role, and charge them with hearing appeals or reviewing plans which request waivers. It is also worth noting parenthetically that there are significant bodies of case law extant regarding many of the areas that are most highly-regulated. This provides an additional guarantee, or recourse, in the event districts subvert the letter or spirit of a particular law.

None of these elements was in place twenty years ago to the extent they exist currently. It is worth acknowledging the power and viability of these mechanisms in any consideration of the issues surrounding the removal of educational regulations.

Government, at all levels, will continue to have a role in creating the structures and processes within which educational improvement will take place. Our research suggests that this role is best fulfilled by developing broad frameworks within which individual school sites create meaning and programs that work for them. They are then held accountable for the learning of all students. If they are not meeting the needs of all students in relation to clearly-defined standards, they might lose their ability to make decisions or be granted waivers. However, if they are successful, if they meet the criteria established in the broad policy frameworks established by governmental agencies, and if there are adequate mechanisms to hear ideas and appeals from all segments of society, a strong case can be made to loosen the regulatory mechanisms that currently constrain and control the actions of educators in schools.

Senator HATFIELD. Those are excellent comments. We are grateful for them.

Mr. Geiger, you made some interesting comments about paperwork that would not be reduced and it might even be increased, I think, in your written statement. We were aware, during the drafting of this bill, that we had to deal with that issue, and we were seeking to keep the application requirements to the minimum needed for accountability. We, for instance, tried to restrict the demographic data to those items a school district would likely already have, without giving them assignments to go out and do major research.

I would like to merely say that my staff is anxious to work with you on any further thoughts and details that you can give us as to where we might keep and how we might be able to develop a minimum burden on this process.

And I appreciate what Dr. Conley has said, that we are not dealing exclusively with process or a goal, but certainly we have to, in our role deal with process as a reality. And we are seeking to, of course, minimize, expedite, make more efficient the process that is required to maintain the integrity of the program.

You were talking about, again, the centralization issue. Congressman DeFazio indicated a while ago the characteristics of the Washington culture. And as Mr. Clinton is learning, we are not going to change inside the beltway overnight; hopefully, we can in time. One of the characteristics of our culture is when we set up a Federal program, we pitch it to the lowest denominator oftentimes. We are pulling down the progressive to raise the regressive, or the poor areas of performance often, in many programs.

In my public life, I have gone from the extreme position where the Federal Government had to move on segregation, but left it to the locals for too long and to the States. And I feel fully justified in having been a supporter of the federalization of that issue, and the total central control issued by the Supreme Court of the United States implemented by the Congress.

I took over the Appropriations Committee at the time that the Republican President, Mr. Reagan, said to us on the Appropriations Committee we do not need the Department of Education anymore in our Government, let us abolish it. Now, that is quite a swing from a segregation action to President Reagan who had a lot of public support, at least in many of the areas of our conservative communities, to abolish the Department of Education.

And, of course, there are those burdens of age as well as advantages of history that comes with age. I can remember when the high apostle of Republican conservatism, Senator Robert A. Taft of Ohio, introduced the first Federal—major Federal role into the field of education against the overwhelming antagonism of members of my party. The Federal Government had no role to play in education.

And, of course, we have seen this thing happen programmatically, regulatory, all of the various aspects of Federal authority. And I suppose here again, we are struggling to find the middle ground.

Last year, some of the greatest problems we had of getting educational flexibility through the Senate, and the compromises we had to make, were with Senators who did not want to delegate any responsibility or authority to the States. Yet, some of these Senators are known for their great support of education. Not those who are indifferent to education, but some of the best supporters of education in the Senate, even some bills that carry their name. And yet they were most reluctant to let the States move out. Now, there again I am sure they go back to the time when the Federal Government had to move in on segregation, as an example, and in some other areas.

So Congressman DeFazio and I are dealing in our environment with our colleagues from these extremes. I think if he and I could sit down alone, we would draft up a bill that he as a Democrat and I as a Republican could be enthusiastically supportive of, and then we would go back and find we had colleagues on both sides of the aisle who would fault it.

We are dealing with that kind of an environment. I do not have to tell you; you have been back there and you have dealt with the Members of the House and Senate in your role as school board association chairman and so forth. But I want to say to you that we oftentimes have to move to what you might call a compromise position that does not satisfy, really, totally, either side to the issue. And that is also not only sometimes frustrating, but it takes time.

I am engaged in that now with an economic stimulus package on the Senate side. I can tell you, if you could go to my caucuses with me and my good Democrats who say to me if you could come to our caucuses with them, we would like to shave off about 25 percent of each caucus and then we could do something.

I only wanted to just share that thought with you.

Dr. Conley, we do want to follow with you with your vast background and experience. I think the point that you made, especially that each school is fundamentally a culture and not just a part of a structure or organization.

Let me ask you this one question. As you know, in Oregon we have handled these waivers on a case-by-case basis. And yet on the other hand, the State of South Carolina has given blanket waivers for whole clusters of programs. Do you see one approach as preferable to the other?

Dr. CONLEY. In general, the more you can make it possible for people to change and easier for them to change, the more change you are likely to get. So it is really what is the objective of the waiver program. If it simply—if it is to generate change, then you want to make it as easy as you can.

I will use the example of California where you can get a waiver, but then you have to go back in 6 months to the State board of education in Sacramento and present your case. The burden is on you to prove how you continue to meet the requirements of your waiver.

Now, in talking with people—I just came from the National Educational Research Association Conference in Atlanta, and was talking with people there about this. And what I heard was that people have to spend so much—as soon as you get your waiver, you are now planning for your 6-month review process. And people are putting so much energy into that, that the message really was even though we gave you a waiver, we do not really want everyone coming and asking.

So I think it is a question of really what the intent is of the waiver.

Senator HATFIELD. Going back to the point I had just made, you may recall that under the Bush administration, that the Department of Education discovered, as they reported, that school districts attributed a greater restrictiveness to Federal regulation than actually existed. And the Department made efforts to clarify this misimpression. How would you assess that impression?

Dr. CONLEY. Well, we saw that with the House bill 2001 waiver program here. I was on the House bill 2020 advisory council, and the 2001 waivers came through us to review. This is 2 or 3 years ago now. And what we found is, at least in a few cases—and I think Joyce Renkey is here. She could probably speak to this better than I.

But we, at least in a couple of cases, saw people requesting waivers from things they were not required to do. And that there was not a clear sense, really, of the actual rules and regulations people were under. They were asking for waivers for things that were not laws.

And I think that goes back to this mentality of asking permission for everything. It is really an indication of disempowerment, a sense that I do not have any control over my environment. I cannot make a difference, I cannot have an impact, I have to wait to be told. And with 15,500 school districts in the country and several million teachers, can we afford to have an enterprise where each of these people waits to be told what to do. I think that is at the heart of this; can they begin to sense that they have control over their environment and can make a difference.

Senator HATFIELD. Just for curiosity, have you worked with the Northwest Lab here in Portland?

Dr. CONLEY. Yes, Senator.

Senator HATFIELD. And you are familiar with Senator Kennedy and my bill on these cluster or these consortiums out across the country on math and science.

Dr. CONLEY. Yes; those are the types—all those activities really contribute to creating an environment. Schools look to one another for solutions, by and large. They do not look to the State or the Federal Government for solutions to their problems; they tend to look to one another. So the more places we can get opportunities for them to look to one another, the better off. We can then create an environment in which we can begin to deregulate some of what they do.

The other thing is I think local boards of education need to have a real role. My sense is that their role—many boards sense that their role is unclear, it is being impinged upon, and so forth. I would like to see us be able to define a very clear role for them to be involved in looking at practices in a school district to see which are acceptable and which are not, instead of regulating all of these elements.

One of the points I make in my testimony is I think there are many more institutions and safeguards and checks and balances in place than there were 30 years ago. When you talk about the emerging Federal role, particularly around, for example, desegregation, you have many more advisory committees and advisory structures. We have the notion of school-based councils now. We have a much larger body of case law around many of these issues as well. I think there are safeguards in place now that did not exist, so I think there the possibility of letting schools learn from one another is greatly enhanced.

Senator HATFIELD. What triggered your interest in getting into this area of expertise?

Dr. CONLEY. I think it comes from the fact that I began my career working in an inner-city school with students that were not—whose needs were not being met. And so—I worked at a public alternative program and we were getting kids who were labeled as unteachable, et cetera, and this is in the days before special ed and so forth. These were just the kids that were pushed out of the public schools.

And what I found was these kids were quite educable, but we had to have a lot of flexibility in how we did it. They were there—if they interacted with us; they did not do it because I was the teacher and I told them what to do. They did it because they respected me, they enjoyed the school, we were asking them to do things that made sense to them. It was a different way to get them motivated.

And my sense is that type of student is increasing in numbers in our schools. That there are more and more students where we cannot just tell them what to do. We have got to have environments where we can adapt them to the needs of those children, and I do not mean indulge them and I do not mean lower our standards at all, because we had very high standards for these students. But I mean that we have to be able to understand what the reality of their lives is, and it is very difficult to understand the reality of their lives if we are operating under a very restrictive set of rules. And I think that is where a lot of my interest comes from.

Senator HATFIELD. Your thesis has been demonstrated and proven, as you know, many times. I recall when I was called upon to appoint a superintendent of public instruction for this State on the death of Rex Putman, as I looked for a replacement—I had an objective in launching a community college program in this State, and also I had a great concern for our neglect of vocational technical education.

And I looked, therefore, to Leon Minear, who was at that time principal of the Benson Polytech High School here in Portland. And he had done precisely what you have outlined in terms of transforming Benson from what might have been a castoff school into a premier academic school in this city. And he did it on that basis of demonstrating to the students why, and inviting them, in a sense, to be a participant of that, rather than having it laid out in the 10 commandments in concrete.

And it was an amazing record he established there, I think as our superintendent, as a predecessor to Ms. Paulus, who, herself, has certainly distinguished that office. But she would, I am sure, agree that Leon Minear was one of our fine educators in this State as well.

Congressman DeFazio, do you have questions?

Mr. DEFAZIO. Well, just perhaps one question for Dr. Conley. I guess it is sort of an adjunct to the question I asked Mr. Simon earlier about when they were discussing budget imperatives in terms of the class size and instruction. But I guess also here I really agree with you in that we want to look at outcomes, we want to look, essentially, at outputs.

I do not know whether the tools now exist to measure what these changes are going to mean. And also it seems to me even if they do exist—and I am not familiar with the field enough to know if they do—that probably we do not—we often do not fund those sort of things. That is, you know, we are willing to say, OK, well we think these things will work and we will do it, and then 5 years or 10 years from now maybe we will know the result.

But it seems to me that if we are going to make these changes when you are dealing with something as precious as children, that

we need to have a really robust and ongoing monitoring program. Would you just comment on that?

Dr. CONLEY. The amount of development work that is going on nationally to come up with the answers that you are talking about is really quite unprecedented and quite phenomenal, and I could just name a few examples. New standards project, University of Pittsburgh: they received about $4 million over the last couple of years from Carnegie and others. There they have literally thousands of teachers around the country developing authentic tests.

Oregon is working closely with them. The folks from new standards come out here and work with us and work with the department. And so, for example, they are really asking what do kids do. What is—what does high quality performance look like, and they are asking teachers.

Now, that is one, Educational Testing Service, they will do major—they are in the process of preparing major overhauls of the SAT and other tests. I mean this is going to happen. I think whether States move or not, whether we change the regulations or not, I believe that over the next 3 to 5 years you are going to see these instruments come forward.

There are a number of States that have—California, for example, they moved the curriculum frameworks and the notion, then, of tests, for example, in mathematics and tests in writing that are what we call holistic. By holistic, you mean you look at the whole process of writing. You do not break it down into the pieces. Connecticut, for example, their science assessment is a multiday assessment where a student does some things one day, other things the next, and so forth.

So the answer to your question is that the work is really quite well along. There is a center at UCLA that has been funded to do much of this as well. So there is a lot going on.

Mr. DEFAZIO. So you—and, you know, from my perspective, I mean we would have to have a very robust sort of outcomes measurement program in place. I mean if we are essentially experimenting in some cases with changes in the education system, then it would be worthwhile to do that in case any midcourse corrections are necessary.

Dr. CONLEY. Well, once again, the beauty of a program like this is you can begin to put some pilot sites in place and work this out on a site-by-site basis, rather than what I worry about, which is we mandate it for a whole State or we implement it nationally.

Mr. DEFAZIO. Sure.

Dr. CONLEY. And then find out that we get a public reaction because, you know, we have not worked it all the way out. So, yes, I think that we are at that stage now where we could carefully begin large-scale piloting and testing and work these things through.

Then I think the other issue—ultimately, it is a "compared to what" issue. And we have to say—when people say are you talking about experimenting on our children, I would have to say what we doing now is the real experiment. The real experiment is if you can use a 100-year-old model of education and assessment and have that work to prepare you for the future. That, unfortunately, is the actual experiment.

Mr. DEFAZIO. That is a very good point. Thank you.

Senator HATFIELD. Thank you again, gentlemen. I appreciate very much your contribution. At this time I will include in the record information by Rachelle A. Bagley, who is the program manager of the Child Nutrition Food Distribution Program, Office of Management Services, the Oregon Department of Education.

[The information follows:]

INFORMATION FROM RACHELLE A. BAGLEY, PROGRAM MANAGER OF THE CHILD NUTRITION FOOD DISTRIBUTION PROGRAM, OFFICE OF MANAGEMENT SERVICES, OREGON DEPARTMENT OF EDUCATION

Barriers which may be removed if sections of Public Law 79-396 through 101-464 were repealed or amended:

PUBLIC LAW BARRIER-DESCRIPTION	SUGGESTED IMPROVEMENT	BENEFIT	SECTION OF LAW
Application form to determine eligibility for free and reduced-price lunches is a barrier to participation in the program. (See Attachment A.)	Multipurpose application form to be used to apply for up to all federal programs and any other programs the state wishes to include. (An article in Community Nutrition Institute stated that Agriculture and Health and Human Services has already announced a new multipurpose application form to be used to apply for up to seven federal programs.)	Will remove a barrier for parents and students to receiving free meals. Reduces paperwork for parents. (Ed Department	P.L. 97-464
Application form difficult for parents to read and complete. (Attainment B.)	Simplify form to reduce to 4th grade reading level	Applicants will make fewer mistakes in completing applications. It will be easier for undereducated applicants to complete. Reduces errors in determining eligibility by LEAs. Reduces compliance monitoring time by Department specialist. Fewer overclaims for incorrectly approved applications	P.L. 97-464 (not the School Lunch Act Section 23)
Ineffectiveness of application for determining income eligibility for free and reduced-price lunches prevents the use of the applications to provide other services available to low-income clients. LEAs have to use other methods of determining eligibility. (Attachment C)	Multipurpose application to apply for all services and programs available to children.	Parents/guardian will only complete one multipurpose application for any service offered at school. Less paperwork for LEAs to handle	
Multiple agreements for schools offering federal programs--a school is required to have a separate agreement to provide school lunch/breakfast and before/after school hour programs and Head Start programs. Each program may receive their food from the same food service, but each program must file a separate claim for reimbursement with ODE because of the federal requirement for separate agreements. (Attachment D)	A school food authority should be able to claim the reimbursement for any federal program for which they provide food service. The Head Start proposal for federal assistance and the Child and Adult Care Food Program Agreement will identify the agreement with the School Food Service.	Before/after school hour programs and Head Start programs will have less paperwork. The programs will not have to file claims. ODE will have fewer claims to process.	National School Lunch Act Section 17 Section 17A

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PUBLIC LAW BARRIER/DESCRIPTION	SUGGESTED IMPROVEMENT	BENEFIT	SECTION OF LAW
Racial/ethnic identity is required on each application for free and reduced-price meals, but the data is to be used aggregately and not individually. Food and Nutrition Service (FNS) instruction requires the school food authority (SFA) or other program receiving agency shall: Develop method for collection of data. Methods include determination of the information by a school official through observation, personal knowledge, or voluntary self-identification by an applicant on the free and reduced-price meal applications. SFA is object to identifying the racial/ethnic category of students and are often unable to determine the racial/ethnic category. Voluntary self-identification is often not completed by the parent/guardian. The instruction requires the other methods to be used in this case (Attachment E).	The estimated data on the racial/ethnic make-up of the school can be compared with the number of students participating in the program to determine if minorities students are fairly receiving federal assistance.	Less paperwork for LEAs simplifies applications for parents/guardians.	DOS regulations, 7 CFR 42 and 9 AR
MEAL ACCOUNTABILITY REQUIREMENTS FOR SCHOOL FOOD SERVICE ARE EXTENSIVE AND TIME CONSUMING. (Attachment F)	Schools with 80 percent or more free and reduced-price lunches should be able to claim meals by percentages in each category as established at the beginning of the year and updated periodically if there is more than 10 percent turnover in the school population or the Universal Free Lunch option should be available to any SFA. (This option has been piloted and very successful in Philadelphia.)	Reduces the paperwork for LEAs	PL 97-[illegible]
Coordinated Review Effort, a unified federal and state system of monitoring compliance with the National School Lunch Program regulations, requires state agency to conduct administrative reviews of schools and federal agencies, also conducting a number of local school authority reviews. The School Lunch Program is also required to be audited under the single audit act. (Attachment G)	Single audit findings if specified would decide if schools require additional accountability and compliance activities.	LEAs will have less paperwork and interference from various entities responsible for compliance monitoring.	Section 7(d)(6) PL 97-[illegible] 7 CFR Part 3017

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Senator HATFIELD. Congressman DeFazio, do you have any closing remarks you would like to make?

Mr. DEFAZIO. No, Senator. I came today to learn and see what I might do to improve my bill, and it was very helpful and I appreciate the opportunity to participate.

Senator HATFIELD. Thank you.

Superintendent Paulus, do you have any closing remarks?

Ms. PAULUS. Just another opportunity to say thank you to you, Senator, for your leadership on this issue.

And thank you, Congressman DeFazio, for your leadership and efforts on this.

I had occasion to speak to Representative Unsoeld last week and told her that we really appreciated her efforts. And we stand ready to provide you with any information we can from this State to further the cause through the Congress.

Senator HATFIELD. Thank you. I want to apologize to my very able staff for not having introduced them at the beginning of this hearing, and I will pick up the opportunity now to introduce on my right, Ms. Bettilou Taylor, who is the staffperson on the Appropriations Committee dealing with health and education and labor. And a very effective staffperson whose counsel is sought by Democrats as well as Republicans.

You will find that on our staff, the professional staff of the Appropriations Committee, the D and the R is not a very important identification, but our staff works very closely. Because, first, they are professional, and they remain professional.

On my left is my legislative director of my office in Washington, Sue Hildick, who is from Portland, OR. And she performs her functions with great focus and specialty in the field of education, as well as overseeing all legislative action.

Again, I would like to thank each one of you for coming today and for sharing your views on flexibility with me. And I want to thank Mayor Vera Katz and the city commission for making this room in this facility available, and for the technician who has recorded for the transcription of this hearing. We are very fortunate to have this kind of support team.

As we go back to Washington next week—or Sunday, I guess I go back, we reconvene next week—we will await the introduction of GOALS 2000. Your words and commitment to quality education will certainly stay with us, and we will follow up with particularly those of you who have been so kind as to offer suggestions and recommendations for improvement.

I firmly believe, as do all of you, that by laying aside the many regulatory requirements of Federal education programs, we can give to teachers and to parents and principals the authority and the responsibility to make the important decisions about how to run their schools and to educate their children.

It is time for this Nation to reorder its priorities and focus on the unmet needs of its citizenry—and particularly our children. Each of us must embark on a new education campaign, a campaign which demands high quality performance from students, teachers, school administrators, and parents; a campaign which calls for new ways of thinking and reforming our educational system, while giving educators the tools they need to shape the learning process.

And I am convinced, after listening to you give your testimony today, that we are headed in the right direction and edflex is but a first step, a necessary tool for our Nation's educators. And I heard it played back in many different ways in many different words, the quotation I opened this hearing with and one which I would like to repeat in closing the hearing, and that is from James Monroe, who said the question to be asked at the end of an educational step is not what has the student learned, but what has the student become. And that has been one of my guiding principles.

CONCLUSION OF HEARING

So, once again, thank you. With appreciation to Senator Byrd of West Virginia, the chairman of our committee, the subcommittee will stand in recess subject to the call of the Chair.

[Whereupon, at 11:22 a.m., Saturday, April 17, the hearing was concluded, and the subcommittee was recessed, to reconvene subject to the call of the Chair.]